

769181

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December 31, 1996

Secretary of State
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

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*****43.75 *****43.75

Re: DIAMOND HEAD POINT HOMEOWNER'S ASSOCIATION, INC.

Dear Sir/Madam:

Enclosed are the above condominium association Amended Articles of Incorporation. Please file the articles and return a certificate of incorporation reflecting the amendment. I have enclosed a check totaling \$43.75 (\$35 filing fee, \$8.75 certificate fee), and a stamped, pre-addressed envelope for your convenience.

Thank you for your assistance with this matter.

Very truly yours,



Robert S. Thurlow

SIGNED IN THE ABSENCE OF
THE ABOVE TO AVOID DELAY.

RST:jkm
Enclosure
cf: Client

FILED
97 MAR 13 PM 12:49
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Name	
Availability	3/13/97
Document	100002047301
Ex. No.	6/189
Number	100002047301
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Assessment	100002047301
W.P. V.	100002047301

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FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State

January 14, 1997

Robert S. Thurlow, Esq.
Bolt, Thurlow & Hall, P.A.
415 Canal Street
New Smyrna Beach, FL 32168-7009

SUBJECT: DIAMOND HEAD POINT HOMEOWNER'S ASSOCIATION, INC.
Ref. Number: 769181

We have received your document for DIAMOND HEAD POINT HOMEOWNER'S ASSOCIATION, INC. and your check(s) totaling \$43.75. However, the enclosed document has not been filed and is being returned for the following correction(s):

If there are MEMBERS ENTITLED TO VOTE on a proposed amendment, the document must contain: (1) the date of adoption of the amendment by the members and (2) a statement that the number of votes cast for the amendment was sufficient for approval.

If there are NO MEMBERS OR MEMBERS ENTITLED TO VOTE on a proposed amendment, the document must contain: (1) a statement that there are no members or members entitled to vote on the amendment and (2) the date of adoption of the amendment by the board of directors.

If you have any questions concerning the filing of your document, please call (904) 487-6907.

Annette Hogan
Corporate Specialist

Letter Number: 697A00001842

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March 10, 1997

Annette Hogan, Corporate Specialist
Florida Department of State
Corporate Records Bureau
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

Re: **DIAMOND HEAD POINT HOMEOWNER'S ASSOCIATION, INC.**
AMENDED ARTICLES OF INCORPORATION

Dear Ms. Hogan:

Enclosed are an original and one copy of the Amended Articles of Incorporation, and copy of your letter of January 14, 1997, regarding the above referenced matter. Please process this document and return a certified copy. I had previously forwarded our firm check in the amount of \$43.75 and a stamped, addressed envelope for your convenience.

Thank you for your assistance in this matter. Should you have any other questions, please do not hesitate to contact my office.

Very truly yours,



Robert S. Thurlow

**SIGNED IN THE ABSENCE OF
THE ABOVE TO AVOID DELAY.**

RST:jkm

Enclosures:

Articles of Inc. + 1

SSAE

cf: Client

AMENDED ARTICLES OF INCORPORATION
OF
DIAMOND HEAD POINT HOMEOWNER'S ASSOCIATION, INC.

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

We the undersigned do hereby associate ourselves for the purpose of forming a corporation not for profit, pursuant to the laws of the State of Florida. These Amended Articles of Incorporation supersede those Articles recorded at Book 2466, Page 0592, in the Public Records of Volusia County, and are governed by the Declaration of Condominium, recorded at Book 2466, Page 0552, in the Public Records of Volusia County, and amendments thereto recorded at Book ____, Page ____, in the Public Records of Volusia County. In this regard we certify as follows:

ARTICLE 1

NAME

1.1 The name of the corporation shall be Diamond Head Point Homeowner's Association, Inc., hereinafter called Association.

ARTICLE 2

PURPOSE

2.1 The purpose for which the Association is organized is to provide an entity pursuant to Chapter 718, Florida Statutes, hereafter called Condominium Act, for the management and operation of Diamond Head Point, A Condominium, pursuant to the provisions of the Condominium Act.

ARTICLE 3

POWERS

3.1 The powers of the Association shall include and be governed by the following provisions.

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TALLAHASSEE, FLORIDA

3.3 The Association shall have all of the powers and duties set forth in the Condominium Act, except for those powers and duties which the Condominium Act allows to be limited and which have been limited by the Declaration of Condominium, these Articles of Incorporation of the By-Laws of the Association, and all powers and duties set forth in the Declaration of Condominium, these Articles of Incorporation and the By-Laws of the Association.

ARTICLE 4

MEMBERS

4.1 The members of the Association shall consist of all Unit Owners of Condominium Units in Diamond Head Point, a Condominium. No person holding any lien, mortgage or other encumbrance upon any Condominium Unit shall by virtue of such lien, mortgage or encumbrance be a member of the Association, except if such person acquires record title to a Condominium Unit pursuant to foreclosure or any proceeding in lieu of foreclosure in which cases such person shall be a member upon acquisition of record title to a Condominium Unit.

4.2 Membership shall be acquired by recording in the Public Records of Volusia County, Florida, a deed or other instrument establishing record title to a Condominium Unit in Diamond Head Point, a Condominium, the owner designated by such deed or other such instrument thus becoming a member of the Association, and the membership of the prior owner being thereby terminated, provided, however, any person who owns more than one Condominium Unit shall remain a member of the Association so long as record title is retained to any Condominium Unit.

4.3 The share of a member in the funds and assets of the Association cannot be assigned, hypothecated or transferred in any manner except as an appurtenance to a Condominium Unit.

Condominium Unit shall be entitled to one vote for each Condominium Unit owned.

ARTICLE 5

EXISTENCE

5.1 The Association shall have perpetual existence.

ARTICLE 6

BOARD OF DIRECTORS

6.1 The affairs of the Association shall be managed by a Board of Directors, of which there shall be five, except as otherwise provided in this Article 6. Each director shall be a member of the Association, except as otherwise provided in this Article 6.

6.2 Members of the Board of Directors shall be elected at the annual meeting of the members of the Association in the manner provided in the By-Laws of the Association. Except as otherwise provided in this Article 6, members of the Board of Directors shall serve two year terms, with no more than three (3) directors' terms to expire in any year. Except as to vacancies created by removal of directors by members pursuant to the Condominium Act, vacancies occurring on the Board of Directors shall be filled by the affirmative vote of a majority of the remaining directors, though less than a quorum of the Board of Directors. Any director elected to fill a vacancy shall serve until the next annual meeting of the Association, at which time the election shall determine who shall fill the balance of the term, if any.

ARTICLE 7

OFFICERS

7.1 The Board of Directors shall elect a president, vice-

president shall be elected from among the members of the Board of Directors, but no other officer need be a member of the Board of Directors. The same person may hold two offices, except that the office of president and vice-president shall not be held by the same person, nor shall the president or the vice-president also be the secretary or assistant secretary. Any officer may be removed peremptorily by a vote of a majority of the directors present at any duly constituted meeting.

ARTICLE 8

BY-LAWS

8.1 Amendment of said By-Laws shall be by the members in accordance with the provisions of said By-Laws.

ARTICLE 9

INDEMNIFICATION

9.1 Every director and every officer of the Association shall be indemnified by the Association as provided in the By-Laws.

ARTICLE 10

AMENDMENTS

10.1 Amendments to these Articles of Incorporation shall be proposed and adopted in the following manner.

10.2 Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.

10.3 A resolution for the adoption of a proposed amendment may be proposed either by the Board of Directors of the Association or by the members of the Association entitled to vote at an Association meeting. Such members may propose such an amendment by instrument in writing directed to the president or secretary of the

Association shall call a special meeting of the members of the Association to be held not sooner than ten days nor later than thirty days thereafter for the purposes of considering said amendment. Such amendment must be approved by the affirmative vote of three-fifths of the total number of Association members entitled to vote.

10.4 Each amendment shall be executed by the president of the Association and certified by the secretary and shall be filed with the Secretary of State, State of Florida. A certified copy thereof together with an amendment to the Declaration shall be recorded in the Public Records of Volusia County, Florida.

ARTICLE 11

PRINCIPAL OFFICE

11.1 The principal office of the Association shall be located at 503 North Causeway, New Smyrna Beach, Florida, but the Association may maintain offices and transact business in such other places within or without the State of Florida as may from time to time be designated by the Board of Directors.

IN WITNESS WHEREOF, this Amendment was passed on an affirmative vote of 53 members, with no members abstaining, and two members voting against, the number of votes cast for the Amendment being sufficient for approval, and said vote of approval having been conducted on December 10, 1996, and the Subscribers and Incorporators have hereunto set theirs hands and seals this 10th day of March, 1997.

Theodore P. Grabiak (President) (SEAL)
Theodore P. Grabiak, President

James A. [Signature] (SEAL)