

No 5000012731

Florida Department of State
Division of Corporations
Electronic Filing Cover Sheet

Note: Please print this page and use it as a cover sheet. Type the fax audit number (shown below) on the top and bottom of all pages of the document.

((H13000153812 3)))



H130001538123ABCY

Note: DO NOT hit the REFRESH/RELOAD button on your browser from this page. Doing so will generate another cover sheet.

To: Division of Corporations
Fax Number : (850) 617-6380

From: Account Name : STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON
Account Number : I20060000135
Phone : (305) 789-3200
Fax Number : (305) 789-3395

Enter the email address for this business entity to be used for future annual report mailings. Enter only one email address please.

Email Address: _____

**COR AMND/RESTATE/CORRECT OR O/D RESIGN
BELLA VIA AT PORT CHARLOTTE CONDOMINIUM ASSOCIATION,**

Certificate of Status	0
Certified Copy	1
Page Count	02
Estimated Charge	\$43.75

RECEIVED
13 JUL -9 AM 8:03
DIVISION OF CORPORATIONS
TALLAHASSEE, FLORIDA

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
13 JUL -9 PM 2:20

Electronic Filing Menu Corporate Filing Menu Help

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
13 JUL -9 PM 2:20

**FIRST AMENDMENT TO
AMENDED AND RESTATED ARTICLES OF INCORPORATION
OF
BELLA VIA AT PORT CHARLOTTE CONDOMINIUM ASSOCIATION, INC.
(a Florida corporation not for profit)
Document No. N05000012731**

Pursuant to the provisions of Section 617.1006, Florida Statutes, Bella Via at Port Charlotte Condominium Association, Inc., (the "Corporation") a Florida not for profit corporation, adopts this First Amendment to its Amended and Restated Articles of Incorporation ("First Amendment"):

Definition P, "Developer" is amended as follows:

"Developer" means Bella Via Holdings, LP, a Florida limited partnership, its successors or assigns.

The remainder of Definition P. remains the same.

Article VIII, D. is *stricken in its entirety* and is replaced with the following:

D. Purchaser Members, as defined below, other than the Developer are entitled to elect not less than a majority of the Board upon the happening of certain events:

a) "Purchaser Members" (Unit Owners in the Offered Condominium other than Developer and, if applicable, Other Unit Owners other than Developer) shall elect at least one-third (1/3) of the Board upon the conveyance by Developer to Purchaser Members of fifteen percent (15%) of the Total Units (as defined in the Articles) to be governed by the Association. Purchaser Members shall be entitled to elect a majority of the Board upon the happening of any one of the events set forth in Article VIII of the Articles, whichever shall first occur, as follows: If unit owners other than the developer own 15 percent or more of the units in a condominium that will be operated ultimately by an association, the unit owners other than the developer are entitled to elect at least one-third of the members of the board of administration of the association. Unit owners other than the developer are entitled to elect at least a majority of the members of the board of administration of an association: (a) Three years after 50 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

b) Three months after 90 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

c) When all the units that will be operated ultimately by the association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the developer in the ordinary course of business;

d) When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the developer in the ordinary course of business;


e) When the developer files a petition seeking protection in bankruptcy; and

f) When a receiver for the developer is appointed by a circuit court and is not discharged within 30 days after such appointment, unless the court determines within 30 days after appointment of the receiver that transfer of control would be detrimental to the association or its members; or (g) Seven years after recordation of the declaration of condominium; or, in the case of an association that may ultimately operate more than one condominium, 7 years after recordation of the declaration for the first condominium it operates; or, in the case of an association operating a phase condominium created pursuant to s. 718.403, 7 years after recordation of the declaration creating the initial phase, whichever occurs first. The developer is entitled to elect at least one member of the board of administration of an association as long as the developer holds for sale in the ordinary course of business at least 5 percent, in condominiums with fewer than 500 units, and 2 percent, in condominiums with more than 500 units, of the units in a condominium operated by the association. After the developer relinquishes control of the association, the developer may exercise the right to vote any developer-owned units in the same manner as any other unit owner except for purposes of reacquiring control of the association or selecting the majority members of the board of administration.

OTHER THAN AS STATED IN THE FIRST AMENDMENT TO AMENDED AND RESTATED ARTICLES OF INCORPORATION, ALL OTHER PROVISIONS OF THE AMENDED AND RESTATED ARTICLES OF INCORPORATION OF BELLA VIA AT PORT CHARLOTTE CONDOMINIUM ASSOCIATION REMAIN AS STATED THEREIN.

There are no members of the Corporation entitled to vote on the amendment. In accordance with the provisions of the Corporation's Amended and Restated Articles of Incorporation, this First Amendment was adopted by the members of the Board of Directors on July 1, 2013, and the number of votes cast for the amendment was sufficient for approval.

BELLA VIA AT PORT CHARLOTTE
CONDOMINIUM ASSOCIATION, INC.

By: 
Name: Jonathan Wolf
Title: President