

N17734

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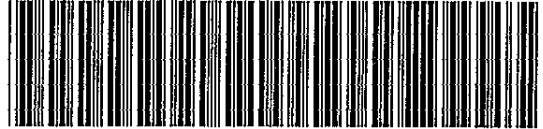
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FILED  
03 APR 15 AM 9:48  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

AMEND  
KRC 4/2/24  
(D)

**BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC.**  
3919 Bayberry Drive  
Melbourne, FL 32901

April 7, 2003

Amendment Section  
Division of Corporations  
P. O. Box 6327  
Tallahassee, FL 32314

Dear Sir:

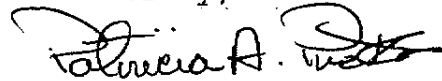
Enclosed please find the Second Articles of Amendment to the Articles of Incorporation for Bayberry Estates Homeowner's Association, Inc.

These changes to our Association documents have been approved by signatures of over 90% of the Bayberry homeowners.

Enclosed is our check in the amount of \$43.75. This amount covers the filing fee of \$35.00, plus one (1) certified copy of the Amendment at \$8.75.

If further information is needed, please call either one of the numbers listed below.

Sincerely,



Patricia A. Piekos  
President  
321/722-3138



Charlotte A. Perry  
Secretary  
321/768-8350

Enclosures

**SECOND ARTICLES OF AMENDMENT**  
**TO**  
**ARTICLES OF INCORPORATION**  
**OF**  
**BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC.**

Document Number of Corporation: N17734

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THE UNDERSIGNED, Patricia A. Piekos, as President of Bayberry Estates Homeowner's Association, Inc., a Florida not-for-profit corporation (the "Association"), for and on behalf of the Association, hereby execute these Second Articles of Amendment to the Articles of Incorporation of the Association:

**ARTICLE FIRST:** ARTICLE II of the current Articles of Incorporation is amended and restated in its entirety, as follows:

**ARTICLE II**

The principal office of the Association is located at 3919 Bayberry Drive, Melbourne, FL 32901.

**ARTICLE SECOND:** ARTICLE III of the current Articles of Incorporation is amended and restated in its entirety, as follows:

**ARTICLE III**

The currently serving President of the Association shall serve as the Registered Agent of this Association.

**ARTICLE THIRD:** ARTICLE VII of the current Articles of Incorporation is amended and restated in its entirety, as follows:

**ARTICLE VII**

**BOARD OF DIRECTORS**

The affairs of this Association shall be managed by a Board of Directors, who must be members of the Association. The number of directors may be changed by amendment of the By-Laws of the Association.

At the first annual meeting the members shall elect five (5) Directors for a term of one (1) year. At each annual meeting

thereafter the members shall elect five (5) Directors for a term of one (1) year.

**ARTICLE FOURTH:** ARTICLE VIII of the current Articles of Incorporation is amended and restated in its entirety, as follows:

#### ARTICLE VIII

##### OFFICERS AND THEIR DUTIES

The officers of this Association shall be a president and vice president, who shall at all times be members of the Board of Directors, a secretary and a treasurer, and such other officers as the Board may from time to time by resolution create. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members. The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

**ARTICLE FIFTH:** ARTICLE IX of the current Articles of Incorporation is amended and restated in its entirety, as follows:

#### ARTICLE IX

##### DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of the members. Upon dissolution of the Association, other than incident to a member or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes. This procedure is subject to court approval of the dissolution pursuant to Florida Statutes 617.05.

**ARTICLE SIXTH:** ARTICLE XII, FHA/VA APPROVAL, is RESCINDED. Bayberry Estates has no Class B membership.

**ARTICLE SEVENTH:** ARTICLE XIII is RESCINDED.

**ARTICLE EIGHTH:** ARTICLE XIV of the current Articles of Incorporation is amended and restated in its entirety, as follows:

ARTICLE XIV

MEETINGS OF MEMBERS; QUORUM REQUIREMENTS

The presence at any meeting of members entitled to cast, or of proxies entitled to cast, one-third (1/3) of the votes of the membership shall constitute a quorum for any action except as otherwise provided in these Articles of Incorporation, the Declaration, or the By-Laws.

**ARTICLE NINTH:** The Second Articles of Amendment to the Articles of Incorporation of the Association set forth above was duly adopted by the assent of seventy-five percent (75%) of the members of the Association, as required by Article XV of the Articles of Incorporation of the Association on MARCH 12, 2003.

**ARTICLE TENTH:** The effective date of these Second Articles of Amendment shall be upon the filing thereof with the Florida Department of State.

**IN WITNESS WHEREOF**, the undersigned has executed these Second Articles of Amendment as of the 5<sup>th</sup> day of APRIL, 2003.

BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC.

By: Patricia A. Piekos  
Patricia A. Piekos, President

Attest: Charlotte A. Perry  
Charlotte A. Perry, Secretary

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this  
5 day of April, 2003, by PAT GEOS  
as President of Bayberry Estates Homeowner's Association, Inc., a  
Florida not-for-profit corporation, who [] is personally known  
to me or [] produced \_\_\_\_\_  
as identification.

Jean Watson  
Notary Public  
My Commission Expires: May 11, 2006

