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COVER LETTER

TO: Amendment Section
Division of Corporations

NAME OF CORPORATION: Berkshire "B" Condominium Association, Inc.

DOCUMENT NUMBER: 729278

The enclosed *Articles of Amendment* and fee are submitted for filing.

Please return all correspondence concerning this matter to the following:

Kerstin Henze, Esq.

(Name of Contact Person)

Kaye, Bender, Rembaum PLLC

(Firm/ Company)

1211 N. Westshore Blvd. Suite 409

(Address)

Tampa, FL 33607

(City/ State and Zip Code)

khenze@kbrlegal.com

E-mail address: (to be used for future annual report notification)

For further information concerning this matter, please call:

Kerstin Henze

813

375-0731

at

(Name of Contact Person)

(Area Code)

(Daytime Telephone Number)

Enclosed is a check for the following amount made payable to the Florida Department of State:

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> \$35 Filing Fee | <input type="checkbox"/> \$43.75 Filing Fee &
Certificate of Status | <input checked="" type="checkbox"/> \$43.75 Filing Fee &
Certified Copy
(Additional copy is
enclosed) | <input type="checkbox"/> \$52.50 Filing Fee
Certificate of Status
Certified Copy
(Additional Copy is
Enclosed) |
|--|--|--|--|

Mailing Address

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

Street Address

Amendment Section
Division of Corporations
The Centre of Tallahassee
2415 N. Monroe Street, Suite 810
Tallahassee, FL 32303

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**BOARD CERTIFIED SPECIALIST IN
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June 23, 2025

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

RE: **Berkshire "B" Condominium Association, Inc.**
Document No. 729278

Dear Sir or Madam:

We represent the Berkshire "B" Condominium Association, Inc. Enclosed is the completed Cover Letter and the Amended and Restated Articles of Incorporation for our client, and the Association's Check No. 10057 payable to Florida Dept. of State in the amount of \$43.75, which represents the filing and certified copy fee.

Please provide me with a certified copy of the Amended and Restated Articles of Incorporation. If you have any questions, please do not hesitate to contact me at (813) 375-0731. Thank you for your assistance.

Very truly yours,

Kerstin Henze
KERSTIN HENZE

KH/nbl
Enclosure
cc: Michael S. Bender, Esq.

Amended and Restated Articles of Incorporation
of
Berkshire "B" Condominium Association, Inc.

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(A CORPORATION NOT FOR PROFIT)

**SUBSTANTIAL REWORDING OF ARTICLES OF INCORPORATION -
SEE CURRENT ARTICLES OF INCORPORATION FOR PRESENT TEXT**

WHEREAS, the Articles of Incorporation for Berkshire "B" Condominium Association, Inc. were originally filed on April 5, 1974, to form a corporation under and in accordance with the provisions of the Laws of the State of Florida for the formation of corporations not for profit; and

WHEREAS, the Board of Directors desires to amend and restate the Articles of Incorporation with the approval of the members as set forth in the original Articles.

NOW THEREFORE, the following Amended and Restated Articles of Incorporation are hereby adopted:

I. NAME AND OFFICE.

The name of this corporation shall be as indicated in the title of this instrument. This corporation shall hereinafter be referred to as the "Association". The principal office of the Association shall be 3021 Berkshire B, Deerfield Beach, FL 33442, or at such other location as may be designated from time to time by the Board of Directors. All books and records of the Association shall be kept at its principal office or at such other place as may be permitted by Chapter 718, Florida Statutes.

II. PURPOSE.

The purpose for which the Association is organized is to provide an entity pursuant to Chapter 617 Florida Statutes, governing corporations not for profit, and Chapter 718 Florida Statutes, hereinafter referred to as the "Condominium Act," as they existed on the date that the original Declaration of Condominium was recorded in the Public Records, unless otherwise provided herein. Any amendment to these Articles shall also be subject to the Florida Statutes as they existed on the date that the original Declaration of Condominium was recorded, unless otherwise expressly stated therein. The Condominium shall be designated as Housing for Older Persons as such term is used and defined in the Housing for Older Persons Act of 1995, as amended, to enable the operation of a qualified housing community for older persons thereby achieving and maintaining exemption from otherwise relevant provisions of the Fair Housing Amendments Act of 1988, as amended and the Broward County Human Rights Act, Chapter 83-380, as amended by Chapter 89-437, Laws of Florida, bearing the same name as the Association (hereinafter referred to as the "Condominium"), at Century Village, Deerfield Beach, Florida, in accordance with the Amended and Restated Declaration of Condominium, this Charter, and the pertinent provisions of the By-Laws of the Association, all as may be amended from time to time.

III. DEFINITIONS.

For convenience, these Amended and Restated Articles of Incorporation shall be referred to as the "Articles." All terms used in these Articles shall have the same definitions and meanings as those set forth in the Amended and Restated Declaration of Condominium and Exhibits attached thereto, unless herein specifically provided to the contrary, or unless the context otherwise requires.

IV. POWERS.

The Association shall have the following powers:

1. General: The Association shall have all of the common law and statutory powers and privileges granted to corporations not for profit under the laws of the State of Florida except where same are expressly limited or restricted by the terms of the Amended and Restated Declaration of Condominium and Exhibits attached thereto, including these Articles and/or the Amended and Restated By-Laws of this Association, or the Condominium Act.

2. Enumeration: The Association shall have all of the powers and duties set forth in the Condominium Act, except as limited by these Articles, the Amended and Restated By-Laws and the Amended and Restated Declaration of Condominium and Exhibits attached thereto (to the extent that they are not in conflict with the Condominium Act), and all of the powers and duties reasonably necessary to operate the Condominium and implement and effectuate the purposes of the Association, except as limited herein, as specified in the Amended and Restated Declaration of Condominium, these Articles, the By-Laws of the Association, the Condominium Act, and Chapter 617, Florida Statutes, including, but not limited to, the power:

(a) To make and establish reasonable Rules and Regulations governing the operation and use of the Condominium Property, including, but not limited to, the Units.

(b) To levy and collect assessments and other charges against members of the Association (whether or not such sums are due and payable to the Association), and to use the proceeds thereof in the exercise of its powers and duties and/or to defray the Common and Limited Common Expenses of the Condominium as provided for in the Amended and Restated Declaration of Condominium and Exhibits attached thereto, including, but not limited to, the provision of insurance for the Condominium Property and the Association, the acquiring, operating, leasing, managing and otherwise dealing with property, whether real or personal (including Units in said Condominium), which may be necessary or convenient for the operation and management of the Condominium and to do all things necessary to accomplish the purposes set forth in said Amended and Restated Declaration of Condominium.

(c) To maintain, improve, repair, reconstruct, replace, add to, operate and manage the Condominium Property and/or Association Property, and other property acquired or leased by the Association.

(d) To contract for the management of the Condominium and to delegate in such contract all or any part of the powers and duties of the Association provided in these Articles, the Amended and Restated Declaration of Condominium and Exhibits attached thereto.

(e) To enforce the provisions of said Amended and Restated Declaration of Condominium, these Amended and Restated Articles of Incorporation, the Amended and Restated By-Laws of the Association and the Rules and Regulations governing the use of said Condominium including, but not limited to, any provision for the levying, enforcement and collection of fines as may be provided for in the By-Laws of the Association.

(f) To exercise, undertake and accomplish all of the rights, duties and obligations which may be granted to, or imposed upon the Association pursuant to the Amended and Restated Declaration of Condominium.

(g) As provided in the Amended and Restated Declaration of Condominium, to acquire and enter into agreements whereby the Association acquires leaseholds, membership and other possessory or use interests in lands or facilities, whether or not contiguous to the lands of the Condominium intended to provide for the enjoyment, recreation or other use or benefit of the members, provided, that the same are located within that development known as CENTURY VILLAGE, Deerfield Beach, Florida.

(h) To approve or disapprove of the transfer, mortgage, ownership, and occupants of the Units, as stated in the Amended and Restated Declaration of Condominium.

(i) To merge with other condominium Associations and to delegate such powers to a common entity as may be necessary for the civil and legal protection and enforcement of the rights and remedies of the Association in an appropriate and expedient manner.

(j) To purchase insurance upon the Condominium Property and Association Property and insurance for the protection of the Association, its officers, directors and Unit Owners.

(k) To enforce by legal means the provisions of the Condominium Act, the Amended and Restated Declaration of Condominium, these Articles, the Amended and Restated By-Laws and the Rules and Regulations.

(l) To employ personnel to perform the services required for the proper operation of the Condominium and Association Property.

(m) To make contracts and incur liabilities, borrow money at such rates of interest as the Board may determine, and secure any of its obligations by pledge of all or any of its property or income.

(n) To pay all taxes and assessments of any type which are liens against any part of the Condominium Property, other than Units, and the appurtenances thereto and to assess the same against the members and their respective Units.

(o) To enter any Unit during reasonable hours as may be necessary in accordance with the provisions of Florida Statutes and to effectuate the purposes of the Declaration and all Exhibits attached thereto, including these By-Laws, and to assure the compliance with all the terms there. To that end, the Association shall retain a pass key or entry code to all Units and shall require all owners to provide a key or entry code to his or her Unit.

(p) To levy fines for violations of the Condominium Documents and/or the Rules and Regulations in the manner provided in the Condominium Act, as amended from time to time.

(q) To suspend, in accordance with the Condominium Act, as amended from time to time, the rights of any Owner or such Owner's guest(s) or invitee(s) to use recreation/common facilities or any other Condominium Property for violating the Condominium Documents and/or the Rules and Regulations, or in the event the Owner is delinquent in the payment of a monetary obligation owed to the Association, as well as to suspend the voting rights of an Owner due to nonpayment of a monetary obligation owed to the Association.

(r) In the event of an "emergency" as such term is further defined herein, in addition to exercising the emergency powers set forth in the Florida Statutes, including, without limitation, the Condominium Act, the Board of Directors may take such additional action as the Board may deem reasonably necessary to protect the health, safety and welfare of the residents of the Condominium, as well as the interests of the Association, including, without limitation, conduct Board, committee and membership meetings, in whole or in part, by telephone, real-time videoconferencing, or via any other available virtual or remote platform (such as, without limitation, via ZOOM or similar platforms). For purposes of this paragraph, the term "emergency" shall include, without limitation, the following situations when occurring in the locale in which the Condominium is located: (i) a state of emergency declared by the Governor of Florida, as set forth in Section 252.36, F.S.; (ii) a state of emergency declared by local civil or law enforcement authorities pursuant to local ordinances; (iii) a national emergency declared under the National Emergencies Act; (iv) a hurricane warning as set forth and defined by the National Hurricane Center; (v) a partial or complete evacuation order by any governmental agency; (vi) federal or state "disaster area" status; (vii) a catastrophic occurrence, whether natural or man-made, which seriously damages or threatens to seriously damage the physical existence of any portion of the Condominium, including, without limitation, a fire, hurricane, tornado, civil unrest, or act of terrorism; and/or, (viii) an unanticipated set of circumstances, which, as determined in the discretion of the Board of Directors, using its best and reasonable business judgement, if not acted upon with immediacy, is likely to cause imminent and significant harm, injury, contagion or damage to any portion of the Condominium, the Association, Condominium Property, members, and/or residents, including, without limitation a pandemic, epidemic or Public Health Emergency declared by public health officials.

V. MEMBERS.

The qualification of members, the manner of their admission, termination of such membership, and voting by members shall be as follows:

1. The record title owners of Units in the Condominium, evidenced by deed recorded in the Public Records of Broward County, Florida, shall be members of the Association, and shall use such Units as their single-family residences for themselves, their immediate families, (i.e., spouse, parents, children, grandchildren) and guests and invitees in compliance with the provisions of the Amended and Restated Declaration of Condominium, and no other person or persons shall be entitled to membership. The membership of any party shall be automatically terminated upon his or her being divested title to all Units owned by such member in the Condominium. Membership is non-transferable except as an appurtenance to a Unit.

2. On all matters on which the membership shall be entitled to vote, each member shall have one vote for each Unit in the Condominium owned by such member. Such vote may be exercised or cast by the owner or owners of each Unit in such manner as is provided for in the Amended and Restated Declaration of Condominium or in the Amended and Restated By-Laws hereinafter adopted by the Association.

VI. TERM OF EXISTENCE.

The Association shall have perpetual existence.

VII. DIRECTORS.

1. The affairs of the Association will be managed by a Board of Directors consisting of no less than three (3) and no more than nine (9) Directors, which number shall be determined from time to time by the Board of Directors. Directors need not be Members of the Association.

2. Directors of the Association shall be elected in the manner provided by the Amended and Restated By-Laws. Directors may be removed and vacancies on the Board of Directors shall be filled in the manner provided by the Amended and Restated By-Laws.

3. Directors shall serve terms as set forth in the Amended and Restated By-Laws, and any vacancies in their number occurring before the election shall be filled by the remaining Directors, as the Amended and Restated By-Laws provide.

4. The Board of Directors shall have the power to adopt the budget of the Association. The Association shall be managed by the officers set forth in ARTICLE VIII herein.

VIII. OFFICERS.

The officers of the Association shall be elected by the Board of Directors at the Organizational Meeting of the Board, which may be held within ten (10) days of each annual meeting of the Members of the Association, or within such other time frame, and shall serve at the pleasure of the Board of Directors.

IX. INDEMNIFICATION.

The Association shall indemnify its officers and directors as provided in the Amended and Restated By-Laws.

X. AMENDMENTS.

Amendments to these Articles may be proposed and adopted in the manner set forth for amendments to the Amended and Restated By-Laws of the Association and all rights conferred upon members herein are granted subject to this reservation and its lawful exercise.

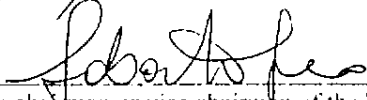
XI. NON-ASSIGNMENT.

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 his or her Unit. The funds and assets of the Association shall belong solely to the Association, subject to the limitation that the same be expended, held, or used for the benefit of the membership and for the purposes authorized in the Amended and Restated Declaration of Condominium, these Articles and in the Amended and Restated By-Laws of the Association hereafter adopted.

- ☐ There are no members or members entitled to vote on the amendment(s). The amendment(s) was/were adopted by the board of directors.

Dated 06/11/2025

Signature



(By the chairman or vice chairman of the board, president or other officer-if directors have not been selected, by an incorporator - if in the hands of a receiver, trustee, or other court appointed fiduciary by that fiduciary)

SABATO LEO

(Typed or printed name of person signing)

BERKSHIRE B B.O.D. PRESIDENT

(Title of person signing)