

731925

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(Address)

(Address)

(City/State/Zip/Phone #)

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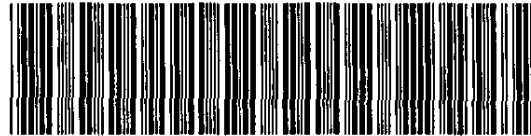
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SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

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**COVER LETTER**

TO: Amendment Section  
Division of Corporations

NAME OF CORPORATION: FOXMOOR CONDOMINIUM ASSOCIATION, INC.

DOCUMENT NUMBER: 731925

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

Please return all correspondence concerning this matter to the following:

Bradley W. Butcher, Esq.

(Name of Contact Person)

Butcher & Associates, P.L.

(Firm/ Company)

6830 Porto Fino Circle, Suite 2

(Address)

Fort Myers, FL 33912

(City/ State and Zip Code)

hgantt@gulfshorecam.com

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

For further information concerning this matter, please call:

Bradley W. Butcher

(239) 322-164

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

**Mailing Address**

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

**Street Address**

Amendment Section  
Division of Corporations  
Clifton Building  
2661 Executive Center Circle  
Tallahassee, FL 32301

Articles of Amendment  
to  
Articles of Incorporation  
of

FOXMOOR CONDOMINIUM ASSOCIATION, INC.

(Name of Corporation as currently filed with the Florida Dept. of State)

731925

(Document Number of Corporation (if known))

Pursuant to the provisions of section 617.1006, Florida Statutes, this *Florida Not For Profit Corporation* adopts the following amendment(s) to its Articles of Incorporation:

A. If amending name, enter the new name of the corporation:

The new name must be distinguishable and contain the word "corporation" or "incorporated" or the abbreviation "Corp." or "Inc." "Company" or "Co." may not be used in the name.

B. Enter new principal office address, if applicable:  
(Principal office address MUST BE A STREET ADDRESS)

C. Enter new mailing address, if applicable:  
(Mailing address MAY BE A POST OFFICE BOX)

D. If amending the registered agent and/or registered office address in Florida, enter the name of the new registered agent and/or the new registered office address:

Name of New Registered Agent: \_\_\_\_\_

(Florida street address)

New Registered Office Address: \_\_\_\_\_

\_\_\_\_\_, Florida \_\_\_\_\_  
(City) (Zip Code)

New Registered Agent's Signature, if changing Registered Agent:

*I hereby accept the appointment as registered agent. I am familiar with and accept the obligations of the position.*

\_\_\_\_\_  
*Signature of New Registered Agent, if changing*

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FLORIDA

If amending the Officers and/or Directors, enter the title and name of each officer/director being removed and title, name, and address of each Officer and/or Director being added:

(Attach additional sheets, if necessary)

Please note the officer/director title by the first letter of the office title:

P = President; V = Vice President; T = Treasurer; S = Secretary; D = Director; TR = Trustee; C = Chairman or Clerk; CEO = Chief Executive Officer; CFO = Chief Financial Officer. If an officer/director holds more than one title, list the first letter of each office held. President, Treasurer, Director would be PTD.

Changes should be noted in the following manner. Currently John Doe is listed as the PST and Mike Jones is listed as the V. There is a change, Mike Jones leaves the corporation, Sally Smith is named the V and S. These should be noted as John Doe, PT as a Change, Mike Jones, V as Remove, and Sally Smith, SV as an Add.

Example:

<input checked="" type="checkbox"/> Change	<u>PT</u>	<u>John Doe</u>
<input checked="" type="checkbox"/> Remove	<u>V</u>	<u>Mike Jones</u>
<input checked="" type="checkbox"/> Add	<u>SV</u>	<u>Sally Smith</u>

<u>Type of Action</u> (Check One)	<u>Title</u>	<u>Name</u>	<u>Address</u>
1) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
2) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
3) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
4) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
5) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____
6) <input type="checkbox"/> Change	_____	_____	_____
<input type="checkbox"/> Add			_____
<input type="checkbox"/> Remove			_____

**E. If amending or adding additional Articles, enter change(s) here:**  
(attach additional sheets, if necessary). (Be specific)

See Attached.

The date of each amendment(s) adoption: March 9, 2017, if other than the date this document was signed.

Effective date if applicable: March 9, 2017  
(no more than 90 days after amendment file date)

**Note:** If the date inserted in this block does not meet the applicable statutory filing requirements, this date will not be listed as the document's effective date on the Department of State's records.

**Adoption of Amendment(s) (CHECK ONE)**

- ☒ The amendment(s) was/were adopted by the members and the number of votes cast for the amendment(s) was/were sufficient for approval.
- ☐ 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 3-10-17

Signature Mark McDonald  
(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)

Mark McDonald

(Typed or printed name of person signing)

President

(Title of person signing)

**FIRST AMENDMENT TO THE AMENDED AND RESTATED ARTICLES OF  
INCORPORATION OF FOXMOOR CONDOMINIUM ASSOCIATION, INC.**

**THE FOLLOWING EIGHT AMENDMENT SHALL BE MADE TO THAT CERTAIN  
DECLARATION OF CONDOMINIUM OF FOXMOOR CONDOMINIUM, A  
CONDOMINIUM, RECORDED AUGUST 7, 1974 IN OFFICIAL RECORDS BOOK  
1049, PAGE 266 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AS  
AMENDED BY THAT CERTAIN FIRST AMENDMENT TO DECLARATION OF  
CONDOMINIUM OF FOXMOOR CONDOMINIUM, RECORDED APRIL 23, 1975 IN  
OFFICIAL RECORDS BOOK 1084, PAGE 327 OF THE PUBLIC RECORDS OF LEE  
COUNTY, FLORIDA; AS AMENDED BY THAT CERTAIN AMENDMENT TO  
DECLARATION OF CONDOMINIUM OF FOXMOOR CONDOMINIUM, RECORDED  
FEBRUARY 5, 1993 IN OFFICIAL RECORDS BOOK 2359, PAGE 1852 OF THE  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AS AMENDED BY THAT  
CERTAIN AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OF  
FOXMOOR CONDOMINIUM, RECORDED JUNE 14, 1996 IN OFFICIAL RECORDS  
BOOK 2715, PAGE 3921 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;  
AS AMENDED BY THAT CERTAIN AMENDMENT TO DECLARATION OF  
CONDOMINIUM OF FOXMOOR CONDOMINIUM, RECORDED DECEMBER 1, 1997  
IN OFFICIAL RECORDS BOOK 2892, PAGE 3884 OF THE PUBLIC RECORDS OF  
LEE COUNTY, FLORIDA; AS AMENDED BY THAT CERTAIN AMENDMENT TO  
DECLARATION OF CONDOMINIUM OF FOXMOOR CONDOMINIUM, RECORDED  
NOVEMBER 4, 1998 IN OFFICIAL RECORDS BOOK 3032, PAGE 2511 OF THE  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AS AMENDED BY THAT  
CERTAIN AMENDMENT TO DECLARATION OF CONDOMINIUM OF FOXMOOR  
CONDOMINIUM, RECORDED OCTOBER 15, 2003 IN OFFICIAL RECORDS BOOK  
4093, PAGE 2720 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AS  
AMENDED BY THAT CERTAIN AMENDMENT TO DECLARATION OF  
CONDOMINIUM OF FOXMOOR CONDOMINIUM, RECORDED OCTOBER 15, 2003  
IN OFFICIAL RECORDS BOOK 4093, PAGE 2723 OF THE PUBLIC RECORDS OF  
LEE COUNTY, FLORIDA; AND AS AMENDED BY THAT CERTAIN AMENDMENT  
TO DECLARATION OF CONDOMINIUM OF FOXMOOR CONDOMINIUM,  
RECORDED JUNE 2, 2005 IN OFFICIAL RECORDS BOOK 4734, PAGE 3203 OF  
THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; (ALL COLLECTIVELY  
REFERRED TO AS THE "DECLARATION").**

**NOTE: Language being added is underlined and language being deleted is  
~~struck through~~.**

## ARTICLE 10

### AMENDMENTS

These Articles may be amended in the following manner:

- 10.1 ~~Method of p~~Proposal. A resolution for the adoption of a proposed amendment may be proposed either by a majority of the Board of Directors or by not less than twenty seven (27) of the voting interests of the Association. Amendments to these Articles may be proposed at any time by the Board of Directors or by written petition signed by fifty (50%) percent of the Association's voting interests. If by petition, the proposed amendments must be submitted to a vote of the Unit Owners not later than the next annual meeting.
- 10.2 ~~Notice. The subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is to be considered. No provision of these Articles shall be revised or amended by reference to its title or number only. Proposals to amend existing provisions of these Articles shall contain the full text of the provision to be amended; new words shall be inserted in the text and underlined; and words to be deleted shall be lined through with hyphens. However, if the proposed change is so extensive that this procedure would hinder, rather than assist, the understanding of the proposed amendment, it is not necessary to use underlining and hyphens as indicators of words added or deleted, but, instead, a notation must be inserted immediately preceding the proposed amendment in substantially the following language: "Substantial rewording of Articles of Incorporation. See current Articles for present text."~~
- 10.3 ~~Adoption. The amendment may be approved at a meeting or in writing by either of the following:~~
- ~~(a) — by not less than 41 votes of the Association voting interests and by not less than a majority of the members of the Board of Directors; or~~
  - ~~(b) — by not less than 54 votes of the Association voting interests. Except as elsewhere provided otherwise, these Articles may be amended by affirmative vote of the Unit Owners of two-thirds (2/3) of all of the Units present and voting at an Association meeting duly called for such purpose.~~
- 10.4 ~~Errors or Omissions. If errors or omissions occur in the proposed amendments:~~
- ~~(a) — non material errors or omissions shall be rectified by not less than a majority of the entire membership of the Board of Directors; or~~
  - ~~(b) — material errors or omissions shall be corrected in conformity with the procedures specified in the Act. Board Amendments. These Articles may be altered, amended, or added to upon the approval of a majority of the Board of~~



Directors at any duly called meeting of the Board of Directors without the approval of the Unit Owners where the purpose of such amendment is:

- a. to correct a non-material, typographical or grammatical defect or error, a scrivener's defect or error, a formatting defect or error, or other non-material defect or error in these Articles, provided the alteration, amendment, or addition does not result in a substantive or material change in the meaning of any provision so amended; or
- b. is solely for the purpose of creating an amended or restated Declaration incorporating amendments previously approved by the Unit Owners in accordance with these Articles; or
- c. is required to comply with an order issued by a court of competent jurisdiction; or
- d. is required by a federal, state, or local law or any lawful regulation promulgated under any federal, state, or local law; or
- e. is required or directed by any governmental agency regulating or enforcing any federal, state, or local law or regulation; or
- f. is required as a condition of obtaining any governmental permit required for any properly authorized repair, maintenance, or alteration undertaken by the Association.

10.5 Limitation. Provided, however, that no amendment shall make any changes in the qualifications for membership nor in the voting rights or property rights of members, nor any changes in subsections 4.3 and 4.4 of Article 4, entitled "Powers", without approval in writing by all members and the joinder of all record owners of mortgages upon units. No amendment shall be made that is in conflict with the Act or the Declaration.

10.6 Recording. A copy of each amendment shall be filed with the Secretary of State pursuant to the provisions of the applicable Florida Statutes, and a copy certified by the Secretary of State shall be recorded in the public records of Lee County, Florida.