

750909

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(City/State/Zip/Phone #)

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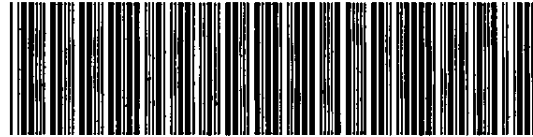
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2018 APR 19 PM 3:26
SECY-STATE-FL
TALLAHASSEE, FLORIDA

Amended/
Restated/CC

APR 19 2018

I ALBRITTON

COVER LETTER

TO: Amendment Section
Division of Corporations

NAME OF CORPORATION: LAKEWOOD CONDOMINIUM ASSOCIATION III, INC.

DOCUMENT NUMBER: 750909

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

Please return all correspondence concerning this matter to the following:

GLENN J. BALLENGER, ESW

Name of Contact Person

BALLENGER LAW FIRM, PA

Firm/ Company

826 ANCHOR RODE DRIVE

Address

NAPLES, FLORIDA 34103

City/ State and Zip Code

SERVE@BALLENGERLAWFIRM.COM

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

For further information concerning this matter, please call:

GLENN J. BALLENGER

at (239) 263-0775

Name of Contact Person

Area Code & Daytime Telephone Number

PREVIOUSLY PAID

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

☐ \$35 Filing Fee

☐ \$43.75 Filing Fee &
Certificate of Status

☒ \$43.75 Filing Fee &
Certified Copy
(Additional copy is
enclosed)

☐ \$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
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

Ballenger Law Firm, P.A.

826 Anchor Rode Drive
Naples, Florida 34103
Tel (239) 263-0775
Fax (239) 263-0774
www.BallengerLawFirm.com

Glenn J. Ballenger, Esq.
Admitted in Florida, Maryland,
Virginia and the District of Columbia

April 18, 2018

Irene Albritton
Amendment Section
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, Florida 32301

Re: Restated Articles of Incorporation: Lakewood Condominium Association III, Inc.
Document No. 750909

Dear Ms. Albritton:

Enclosed are Amended and Restated Articles of Incorporation of Lakewood Condominium Association III, Inc. The Articles were restated by the written consent of the members of the association on or about February 28, 2018. Please note that we have corrected the certification (last page) which caused rejection of the filing previously.

Enclosed you will find a two copies of the Articles, including one for a certified copy. We have previously provided a check in the amount of \$43.75 for a certified copy of Articles. Please have the Articles filed and return the certified copy to the undersigned as soon as possible. If you have any questions, please do not hesitate to contact me.

Sincerely,


BALLINGER LAW FIRM, P.A.

Glenn J. Ballenger
Attorney at Law

cc: Lakewood Condominium Association III, Inc.
Enclosures



FLORIDA DEPARTMENT OF STATE
Division of Corporations

March 29, 2018

BALLENGER LAW FIRM, P.A.
% GLENN J. BALLENGER
826 ANCHOR RODE DRIVE
NAPLES, FL 34103

SUBJECT: LAKEWOOD CONDOMINIUM ASSOCIATION III, INC.
Ref. Number: 750909

We have received your document for LAKEWOOD CONDOMINIUM ASSOCIATION III, 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.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6050.

Irene Albritton
Regulatory Specialist II

Letter Number: 118A00006372

RECEIVED
18 APR 19 AM 11:30
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

RECEIVED
APR 09 REC'D

148

SECOND AMENDED AND RESTATED ARTICLES OF INCORPORATION

OF

LAKEWOOD CONDOMINIUM ASSOCIATION III, INC.

FILED
2018 APR 13 PM 3:28
CLERK OF DISTRICT COURT
NAPLES, FLORIDA

Pursuant to Section 617.1007, Florida Statutes, the Articles of Incorporation of **LAKEWOOD CONDOMINIUM ASSOCIATION III, INC.**, a Florida corporation not for profit, which was originally incorporated under the same name on February 1, 1980 are hereby amended and restated in their entirety. All amendments included herein have been adopted pursuant to Section 617.1002, Florida Statutes, and there is no discrepancy between the corporation's Articles of Incorporation as heretofore amended and the provisions of these Amended and Restated Articles other than the inclusion of amendments adopted pursuant to Section 617.1006 and the omission of matters of historical interest. The Amended and Restated Articles of Incorporation of **LAKEWOOD CONDOMINIUM ASSOCIATION III, INC.**, shall henceforth be as follows:

ARTICLE I

NAME: The name of the corporation, herein called the "Association", is **LAKEWOOD CONDOMINIUM ASSOCIATION III, INC.**, and its address is 9150 Galleria Court, Suite 201, Naples, Florida 34109 or as which shall otherwise be determined by the Board of Directors from time to time.

ARTICLE II

PURPOSE AND POWERS: The purpose for which the Association is organized is to provide an entity pursuant to the Florida Condominium Act for the operation of **LAKEWOOD CONDOMINIUM--UNIT III, A CONDOMINIUM** located in Collier County, Florida.

The Association is organized and shall exist on a non-stock basis as a corporation not for profit under the laws of the State of Florida, and no portion of any earnings of the Association shall be distributed or inure to the private benefit of any member, Director or officer. For the accomplishment of its purposes, the Association shall have all of the common law and statutory powers and duties of a corporation not for profit under the laws of the State of Florida, except as limited or modified by these Articles, the Declaration of Condominium, the Bylaws or the Florida Condominium Act; and it shall have all of the powers and duties reasonably necessary to operate the Condominium pursuant to said Declaration as it may hereafter be amended, including but not limited to the following:

- (A) To make and collect assessments, including special assessments, against members of the Association to defray the costs, expenses and losses of the Association, and to use the funds in the exercise of its powers and duties.
- (B) To protect, maintain, repair, replace and operate the condominium property.

- (C) To purchase insurance upon the condominium property and Association property for the protection of the Association and its members.
- (D) To reconstruct improvements after casualty and to make further improvements of the condominium property.
- (E) To make, amend and enforce reasonable rules and regulations governing the use of the common elements, the units, Association property, and the operation of the Association.
- (F) To approve or disapprove the transfer of ownership, leasing and occupancy of units, as provided in the Declaration of Condominium.
- (G) To enforce the provisions of the Condominium Act, the Declaration of Condominium, these Articles, the Bylaws and any Rules and Regulations of the Association.
- (H) To contract for the management and maintenance of the condominium and the condominium property, and to delegate any powers and duties of the Association in connection therewith except such as are specifically required by the Declaration of Condominium to be exercised by the Board of Directors or the membership of the Association.
- (I) To employ accountants, attorneys, architects, and other professional personnel to perform the services required for proper operation of the Condominium.
- (J) To purchase, lease or otherwise acquire ownership in real or personal property, leaseholds, easements, memberships, or other possessory, ownership or use interests in real or personal property, lands or facilities such as country clubs, golf courses, marinas, other recreational facilities or property otherwise deemed a benefit to the members. It has this power whether or not the lands or facilities are contiguous to the lands of the Condominium, if they are intended to provide enjoyment, recreation, or other uses or benefits to the members.
- (K) To purchase, sell, convey, mortgage, trade, transfer, grant, or otherwise dispose of interests in real, personal or intangible property as may be in the interest of the Association and the Members.
- (L) To borrow money without limit as to amount if necessary to perform its other functions hereunder.
- (M) To grant easements or easement rights as deemed by the Board to be in the interest of the Association.
- (N) To have all those powers, not otherwise stated herein, which a corporation may have at common law or as otherwise enumerated in Section 617.0302 of the Florida Statutes, as may be amended from time to time.

All funds and the title to all property acquired by the Association shall be held for the benefit of the members in accordance with the provisions of the Declaration of Condominium, these Articles of Incorporation and the Bylaws.

ARTICLE III

MEMBERSHIP:

- (A) The members of the Association shall be the record owners of a fee simple interest in one or more units in the Condominium, as further provided in the Bylaws.
- (B) The share of a member in the funds and assets of the Association cannot be assigned or transferred in any manner except as an appurtenance to his unit.
- (C) The owners of each unit, collectively, shall be entitled to one vote in Association matters. The manner of exercising voting rights shall be as set forth in the Bylaws.

ARTICLE IV

TERM: The term of the Association shall be perpetual.

ARTICLE V

BYLAWS: The Bylaws of the Association may be altered, amended, or rescinded in the manner provided therein.

ARTICLE VI

DIRECTORS AND OFFICERS:

- (A) The affairs of the Association shall be administered by a Board of Directors consisting of the number of Directors determined by the Bylaws.
- (B) Directors of the Association shall be elected by the members in the manner determined by the Bylaws. Directors may be removed and vacancies on the Board of Directors shall be filled in the manner provided by the Bylaws.
- (C) The business of the Association shall be conducted by the officers designated in the Bylaws. The officers shall be elected each year by the Board of Directors at its first meeting after the annual meeting of the members of the Association, and they shall serve at the pleasure of the Board.

ARTICLE VII

AMENDMENTS: Amendments to these Articles shall be proposed and adopted in the following manner:

- (A) Proposal. Amendments to these Articles may be proposed by either a majority of the Board or by written petition, signed by at least twenty-five percent (25%) of the voting interests.
- (B) Procedure. Upon any amendment to these Articles being proposed by said Board or unit owners, such proposed amendment shall be submitted to a vote of the owners not later than the next annual meeting for which proper notice can be given.
- (C) Vote Required. Except as otherwise provided for by Florida law, these Articles of Incorporation may be amended by vote of a majority of the voting interests present in person or by proxy at any annual or special meeting, or by approval in writing of a majority of the voting interests without a meeting, provided that notice of any proposed amendment has been given to the members of the Association, and that the notice contains a copy of the proposed amendment.
- (D) Effective Date. An amendment shall become effective upon filing with the Secretary of State and the recording of a certified copy in the Public Records of Collier County, Florida.

ARTICLE VIII

INDEMNIFICATION: To the fullest extent permitted by Florida law, the Association shall indemnify and hold harmless every Director and every officer of the Association against all expenses and liabilities, including attorneys fees, actually and reasonably incurred by or imposed on him in connection with any legal proceeding (or settlement or appeal of such proceeding) to which he may be a party because of his being or having been a Director or officer of the Association. The foregoing right of indemnification shall not be available if a judgment or other final adjudication establishes that his actions or omissions to act were material to the cause adjudicated and involved:

- (A) Willful misconduct or a conscious disregard for the best interests of the Association, in a proceeding by or in the right of the Association to procure a judgement in its favor.
- (B) A violation of criminal law, unless the Director or officer had no reasonable cause to believe his action was unlawful or had reasonable cause to believe his action was lawful.
- (C) A transaction from which the Director or officer derived an improper personal benefit.

In the event of a settlement, the right to indemnification shall not apply unless the Board of Directors approves such settlement as being in the best interest of the Association. The foregoing rights of indemnification shall be in addition to and not exclusive of all other rights to which a Director or officer may be entitled.

CERTIFICATE

The undersigned, being the duly elected and acting President of LAKEWOOD CONDOMINIUM ASSOCIATION III, INC., hereby certifies that on February 28, 2018 the foregoing were duly approved by the written consent of at least Seventy Five Percent (75%) of the Members of the Association in accordance with the requirements of the Articles of Incorporation for their amendment, said vote being sufficient for their amendment. The foregoing both amend and restate the First Amended and Restated Articles of Incorporation in their entirety.

Executed this 16th day of April, 2018.

LAKEWOOD CONDOMINIUM
ASSOCIATION III, INC.

BY: Gordon Brown
Gordon Brown, President

(SEAL)

STATE OF FLORIDA
COUNTY OF COLLIER

Subscribed to before me this 16th day of April, 2018, by Gordon Brown, as President of LAKEWOOD CONDOMINIUM ASSOCIATION III, INC., a Florida corporation not for profit, on behalf of the corporation. He is (choose one) (☒) is personally known to me or (☐) has produced _____ for identification and did not take an oath.

(SEAL)

[Signature]
Notary Public
Print Name: Janet Howard

My Commission Expires: 6/5/2021

