

757597

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

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☐ WAIT

☐ MAIL

(Business Entity Name)

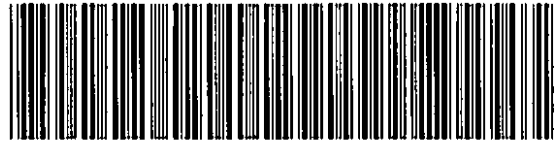
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2020 JUN -1 PM 2:35

Amend

JUL 01 2020

ALBRITTON



Robert A. Cooper  
Admitted in Florida, Ohio and Georgia

Direct Phone: 239.337.6700  
Direct Fax: 239.337.6731  
Email: racooper@hahnlaw.com

June 30, 2020

**FEDERAL EXPRESS**

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

**Re: Articles of Amendment to Courtyards of Cape Coral South Condominium  
Association, Inc.  
Corporate Document No. 757597**

Dear Sir or Madam:

In accordance with your enclosed Notice, enclosed for filing are the Amended Articles of Incorporation for the Courtyards of Cape Coral South Condominium Association, Inc. including the recorded Certification of Amendment with the required voting language. Please return confirmation of the filing at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to be 'RAC', written over a horizontal line.

Robert A. Cooper

RAC/mew

Enclosure

11842890.2

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**HAHN LOESER & PARKS LLP** attorneys at law

cleveland columbus naples fort myers san diego chicago

2400 First Street, Suite 300 Fort Myers, Florida 33901 phone 239.337.6700 fax 239.337.6701 hahnlaw.com



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

2020 JUN -1 PM 1:50

June 20, 2020

ROBERT A. COOPER, ESQ.  
2400 FIRST STREET  
STE. 300  
FORT MYERS, FL 33901

SUBJECT: THE COURTYARDS OF CAPE CORAL SOUTH CONDOMINIUM  
ASSOCIATION, INC.  
Ref. Number: 757597

We have received your document for THE COURTYARDS OF CAPE CORAL SOUTH CONDOMINIUM ASSOCIATION, INC. and your check(s) totaling \$35.00. 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.

If there are NO MEMBERS OR MEMBERS ENTITLED TO VOTE on a proposed amendment, the document must contain: (1) a statement that there are no members or members entitled to vote on the amendment and (2) the date of adoption of the amendment by the board of directors.

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: 620A00012236

After Recording Return to:  
Robert A. Cooper, Esq.  
Hahn Loeser & Parks LLP  
2400 First Street, Suite 300  
Fort Myers, FL 33901

INSTR. # 2020000042303, Pages 73  
Doc Type: DOC, Recorded: 2/18/2020 at 10:38 AM  
Linda Doggett Lee County Clerk of the Circuit Court  
Rec Fees: \$622.00

Deputy Clerk PSMITH  
#1

2020 JUL -1 PM 2:3

**CERTIFICATE OF AMENDMENTS TO EACH OF THE  
AMENDED AND RESTATED DECLARATION OF CONDOMINIUM OF THE  
COURTYARDS OF CAPE CORAL SOUTH, A CONDOMINIUM,  
ARTICLES OF INCORPORATION OF THE COURTYARDS OF CAPE CORAL  
SOUTH CONDOMINIUM ASSOCIATION, INC., AMENDED AND RESTATED  
BYLAWS FOR THE COURTYARDS OF CAPE CORAL SOUTH CONDOMINIUM  
ASSOCIATION, INC.**

**(THE COURTYARDS OF CAPE CORAL SOUTH  
CONDOMINIUM ASSOCIATION, INC.)**

THE UNDERSIGNED, being the President of **THE COURTYARDS OF CAPE CORAL SOUTH CONDOMINIUM ASSOCIATION, INC.**, a Florida not-for-profit corporation (the "Association"), does hereby certify that:

1. The Amendments to the Amended and Restated the Declaration of Condominium of The Courtyards of Cape Coral South, a Condominium attached hereto as **Exhibit "A"**, the Amendments to the Articles of Incorporation of The Courtyards of Cape Coral South Condominium Association, Inc. attached hereto as **Exhibit "B"**, and the Amendments to the Amended and Restated Bylaws of The Courtyards of Cape Coral South Condominium Association, Inc., attached hereto as **Exhibit "C"**, were duly approved, adopted and enacted by the affirmative vote of the proper percentage of voting interests of the Association at the Members Meeting at which a quorum was present held on January 20, 2020.

The Amended and Restated Declaration of Condominium of The Courtyards of Cape Coral South, a Condominium, was originally recorded in Official Records Book 3949, Page 211, as amended by Instrument No. 2006000464723, as amended by Instrument No. 20100000026723, as amended by Instrument No. 2014000032053, as amended by Instrument No. 2016000073818, all in the Public Records of Lee County, Florida.

The Articles of Incorporation for The Courtyards of Cape Coral South Condominium Association, Inc., was originally recorded in Official Records Book 1551, Page 1255, as amended in Official Records Book 3094, Page 420, as amended by Instrument No. 2006000464721, all in the Public Records of Lee County, Florida.

The Amended and Restated Bylaws of The Courtyards of Cape Coral South, a Condominium, was originally recorded in Official Records Book 3844, Page 3642, as amended by Instrument No. 2014000032053, as amended by Instrument No. 2006000464722, all in the Public Records of Lee County, Florida.

IN WITNESS WHEREOF, the President of The Courtyards of Cape Coral South Condominium Association, Inc. has caused this Certificate of Amendment to be made effective as of the 11th day of February, 2020.

WITNESSES:

Michael Jacobelli  
Signature

Michael Jacobelli  
Printed Name of Witness

Laura Atkinson  
Signature

Laura Atkinson  
Printed Name of Witness

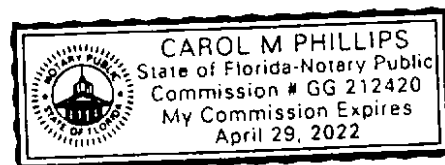
THE COURTYARDS OF CAPE CORAL  
SOUTH CONDOMINIUM  
ASSOCIATION, INC.

By: June Cuzzo  
June Cuzzo, President

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or \_\_\_ online notarization, this 11th day of February, 2020, by JUNE CUZZO, the President of The Courtyards of Cape Coral South Condominium Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation, who is ☒ personally known to me or who has produced \_\_\_\_\_ as identification.

Carol M Phillips  
Notary Public  
My Commission Expires: 4/29/22



AMENDED ARTICLES OF INCORPORATION ADOPTED ON JANUARY 20, 2020. SEE INSTRUMENT NO. 2020000042303, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ARTICLES OF INCORPORATION  
OF THE COURTYARDS OF CAPE CORAL SOUTH  
CONDOMINIUM ASSOCIATION, INC.  
A Corporation Not For Profit

The undersigned, by these Articles of Incorporation, associate ourselves together for the purpose of forming a corporation not-for-profit under the laws of the State of Florida, pursuant to Chapters 617 and 718, Florida Statutes, and hereby certify as follows:

For purposes of these Articles of Incorporation, the terms "Articles" or "Articles of Incorporation" means these Articles, as amended from time to time.

ARTICLE I  
Name

The name of this corporation shall be: THE COURTYARDS OF CAPE CORAL SOUTH CONDOMINIUM ASSOCIATION, INC. ("the Association").

ARTICLE II  
Purposes

The general purpose for which this Association is organized to be the "Association" as defined in the Condominium Act (Chapter 718, Florida Statutes, as amended from time to time), for the operation of The Courtyards of Cape Coral South, a Condominium, located in Lee County, Florida, created pursuant to the provisions of the Condominium Act, and as such Association, to operate and administer said condominium and carry out the functions and duties of said condominium, as set forth in the Declaration of Condominium establishing said condominium and exhibits attached to the original Declaration and all amendments to said Declaration and its exhibits and made a part of the Association's records.

The Association shall be conducted as a non-profit organization for the benefit of its members.

There shall be no dividends paid to any of the members, nor shall any part of the income of the Association be distributed to its Board of Directors or officers.

The Association is organized and operated solely for administrative and managerial purposes. It is not intended that the Association show any net earnings, but no part of any net earnings that do occur shall inure to the benefit of any private member. If, in any taxable year, the net income of the Association from all sources other than casualty insurance proceeds and other nonrecurring items exceed the sum of (1) total common expenses for which payment has been made or liability incurred within the taxable year, and (2) reasonable reserves for common expenses and other liabilities in the next succeeding taxable year, such excess shall be held by

the Association and used to reduce the amount of assessments that would otherwise be required in the following year. For such purposes, each unit owner will be credited with the portion of any excess that is proportionate to his interest in the common elements of the condominium.

This Association shall issue no shares of stock of any kind thereof, as well as the number of members, shall be upon such terms and conditions as provided for in the Declaration and Bylaws.

### ARTICLE III Powers

The Association shall have all of the powers set forth in Chapter 617, Florida Statutes, all of the powers set forth in the Condominium Act, and all powers granted to it by the Declaration and Bylaws, which are made a part of the Association's records, including but not limited to the power to contract for the management of the Condominium and recreational facilities.

### ARTICLE IV Membership

All persons who are record title owners of condominium parcels within the Condominium shall automatically be members of this Association. Such membership shall automatically terminate when such person is no longer the owner of a condominium parcel. Membership in the corporation shall be limited to such condominium parcel owners.

Admission to and termination of membership shall be governed by the Declaration of Condominium that is filed for the Condominium among the Public Records of Lee County, Florida. The voting rights of the owners of units in the Condominium shall be as set forth in the Declaration and Bylaws.

### ARTICLE V Existence

The Association shall have perpetual existence.

### ARTICLE VI Principal Office

The principal office of the Association shall be located in Lee County, Florida, but the Association may maintain offices and transact business in such places, within or without the State of Florida, as may from time to time be designated by the Board of Administration.

### ARTICLE VII Administration of Association Affairs

The affairs of the Association shall be managed by the President of the Association assisted by the Vice President(s) Secretary and Treasurer, and, if any, the Assistant Secretaries and Assistant Treasurers, subject to the directions of the Board of Administration. The Board of

Administration, or the President, with the approval of the Board of Administration, may employ a managing agent, agency and/or other managerial and supervisory personnel or entity(ies) to administer or assist in the administration of the operation and management of the Condominium and the affairs of the Association.

#### ARTICLE VIII

##### Board of Administration/Directors

A. The affairs and property of the Association shall be managed and governed by a Board of Administration (which may be sometimes referred to as the "Board of Directors"). The number of Directors of succeeding Boards of Administration shall be five (5).

B. Directors shall be elected by the members in accordance with the By-Laws at the regular annual meetings of the membership of the Association. Directors shall be elected to serve for a term of two (2) years, and, in the event of a vacancy, the remaining Directors may appoint a Director to serve the balance of said unexpired term. The election of Directors shall be staggered so that three (3) Directors are elected in a year ending in an odd number and two (2) Directors are elected in a year ending in an even number. All Directors must be members of the Association or the spouse of a member.

C. All officers shall be appointed by the Board of Administration at the regular annual meeting of the Board, all in accordance with the Declaration and By-Laws. The Board of Administration shall elect a President, Secretary, Treasurer, and as many Vice Presidents, Assistant Secretaries and Assistant Treasurers as the Board of Administration, shall deem advisable from time to time. Each Officer, other than an Assistant Secretary or Assistant Treasurer, shall be a Director. Any person except the President may hold two or more offices.

D. Intentionally Omitted.

E. Intentionally Omitted.

#### ARTICLE IX

##### By-Laws

A. The By-Laws of the Association shall be amended as provided therein.

B. Intentionally Omitted.

C. Intentionally Omitted.

D. Intentionally Omitted.

#### ARTICLE X

##### Amendments to These Articles

Except as otherwise provided by law, or by specific provision of the condominium documents, these Articles may be amended if the proposed amendment is approved by at least



fifty one percent (51%) of the voting interests of the Association present in person or by proxy and voting at any annual or special meeting called for the purpose, provided that notice of the amendment has been given to the members in accordance with law.

## ARTICLE XI Indemnification

To the fullest extent permitted by Florida law, the Association shall indemnify any officer, director, committee member or volunteer who was or is a party or is threatened to be made a party to any threatened, pending, or contemplated action, suit or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that he is or was a director, officer, committee member or volunteer of the Association, against expenses (including attorneys' fees and appellate attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit, or proceeding, unless (a) a court of competent jurisdiction finally determines, after all appeals have been exhausted or not pursued by the proposed indemnitee, that he did not act in good faith or in a manner he reasonably believed to be in or not opposed to the best interest of the Association, and, with respect to any criminal action or proceeding, that he had reasonable cause to believe his conduct was unlawful, and (b) such court also determines specifically that indemnification should be denied. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent shall not, of itself, create a presumption that the person failed to act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interest of the Association, and with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful. It is the intent of the membership of the Association, by the adoption of this provision, to provide the most comprehensive indemnification possible to their officers, directors, committee members and volunteers as permitted by Florida law. In the event of a settlement, the right to indemnification shall not apply unless the Board approves such settlement as being in the best interest of the Association. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the Bylaws, agreement, vote of members, or otherwise, and shall continue as to a person who has ceased to be a director, officer, committee member or volunteer and shall inure to the benefit of the heirs and personal representatives of such person.

[signature page to follow]

IN WITNESS WHEREOF, the President of the Courtyards of Cape Coral South Condominium Association, Inc. has executed these Amended Articles of Incorporation effective as of the 20th day of January, 2020.

**THE COURTYARDS OF CAPE CORAL  
SOUTH CONDOMINIUM  
ASSOCIATION, INC.**

By: *June Cuzzo*

June Cuzzo, President

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29 day of MAY, 2020, by June Cuzzo, as President of The Courtyards of Cape Coral South Condominium Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation, who is ( ) personally known to me or who has ( ☒ ) produced DRIVERS LICENSE as identification.

*Mary Walker*  
Notary Public

Printed Name

My Commission Expires

