

758312

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

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(Business Entity Name)

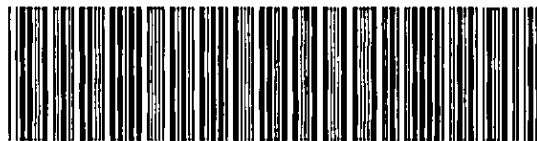
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2020 JUL 20 AM 8:00

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JUL 24 2020

S. YOUNG



2020 JUL 23 11:43:37

FLORIDA DEPARTMENT OF STATE  
Division of Corporations

June 13, 2020

ALESSANDRA STIVELMAN  
EISINGER LAW, STE 265-S  
PRESIDENTIAL CIRCLE, 4000 HOLLYWOOD BLVD  
HOLLYWOOD, FL 33021

SUBJECT: HIGH POINT OF DELRAY WEST CONDOMINIUM ASSOCIATION  
SECTION 3, INC.  
Ref. Number: 758312

We have received your document for HIGH POINT OF DELRAY WEST CONDOMINIUM ASSOCIATION SECTION 3, 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 the corporation is a **NOT FOR PROFIT** corporation it must be signed 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.

REGISTERED AGENT CANNOT SIGN

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.

Shelia H Young  
Regulatory Specialist II

Letter Number: 120A00011691

COVER LETTER

TO: Amendment Section  
Division of Corporations

NAME OF CORPORATION: HIGH POINT OF DELRAY WEST CONDOMINIUM ASSOCIATION SECTION 3, INC.

DOCUMENT NUMBER: 758312

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

Please return all correspondence concerning this matter to the following:

Stivelman, Alessandra, Esq.

(Name of Contact Person)

Eisinger Law

(Firm/ Company)

Presidential Circle, 4000 Hollywood Blvd, Suite 265-S

(Address)

Hollywood, FL 33021

(City/ State and Zip Code)

astivelman@eisingerlaw.com

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

For further information concerning this matter, please call:

Alessandra Stivelman, Esq.

954

894-8000

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 checked="" type="checkbox"/> \$43.75 Filing Fee &<br>Certificate of Status | <input 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  
The Centre of Tallahassee  
2415 N. Monroe Street, Suite 810  
Tallahassee, FL 32303

Articles of Amendment  
to  
Articles of Incorporation  
of

HIGH POINT OF DELRAY WEST CONDOMINIUM ASSOCIATION SECTION 3, INC.

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

758312

(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:

N/A

*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*

N/A

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)

N/A

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:

N/A

Name of New Registered Agent

*(Florida street address)*

New Registered Office Address:

*(City)*

*Florida*

*(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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2020 JUL 20 AM 8:00  
CLERK OF DISTRICT COURT  
JUL 20 2020

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; FR = 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:

<u>X</u> Change	<u>PT</u>	<u>John Doe</u>
<u>X</u> Remove	<u>V</u>	<u>Mike Jones</u>
<u>X</u> 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	_____	_____	_____

F. If amending or adding additional Articles, enter change(s) here:

(attach additional sheets, if necessary) (Be specific)

SEE ATTACHED EXHIBIT A

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- ☒ 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

6/29/2020

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)

Gerie R. Epstein

(Typed or printed name of person signing)

Vice President

(Title of person signing)

## EXHIBIT A

### AMENDMENTS TO THE DECLARATION OF CONDOMINIUM FOR HIGH POINT OF DELRAY WEST CONDOMINIUM ASSOCIATION SECTION 3, ARTICLES OF INCORPORATION AND BYLAWS OF HIGH POINT OF DELRAY WEST CONDOMINIUM ASSOCIATION SECTION 3, INC.

NOTE: UNLESS OTHERWISE SPECIFIED, NEW WORDS INSERTED IN THE TEXT ARE  
UNDERLINED AND WORDS DELETED ARE ~~LINE~~ED THROUGH.

#### 1. Amendment to Article I of the Articles of Incorporation of High Point of Delray West Condominium Association Section 3, Inc. (the "Articles"):

The terms contained in these Articles shall have the meaning set forth in the Condominium Act, Chapter 718, Florida Statutes, 1976, as amended from time to time through the date of the recording of the Declaration ~~(as that term is hereinafter defined)~~ (the "Act") and for clarification the following terms will have the following meanings:

...

#### 2. Amendment to Article V, Section 6 of the Articles:

6. With respect to voting, the following provisions shall prevail: (a) each Unit shall be entitled to only one (1) vote, which vote shall be exercised and cast in accordance with the Declaration and By-Laws, and (b) if there is more than one (1) owner with respect to a Unit as a result of the fee interest in such Unit being held by more than one (1) person, such owners collectively shall be entitled to only one (1) vote in the manner determined by the Declaration.

6(a) Voting member. If a Unit is owned by one person, that person's right to vote shall be established by the roster of members. If a Unit is owned by more than one person, those persons (including husband and wives) shall decide among themselves as to who shall cast the vote of the Unit, and may designate by certificate signed by all owners the person entitled to cast a vote. In the event that those persons cannot decide or otherwise do not submit such a certificate, the person casting a vote for a Unit shall be presumed to have the authority to do so unless the Association receives prior notification. If a Unit is owned by a corporation, partnership, limited liability company, trust or any other entity, the person entitled to cast the vote for the Unit shall be designated by a certificate signed by an appropriate officer or designee of same and filed with the Secretary of the Association. Such person need not be a Unit Owner, but must be an officer, director, shareholder or member or of similar position in the entity. Those certificates shall be valid until revoked or until superseded by a subsequent certificate or until a change in the ownership of the Unit concerned. A certificate designating the person entitled to cast the vote for a Unit may be revoked by any record owner of an undivided interest in the Unit.



**3. Amendment to Article VIII of the Articles:**

**ARTICLE VIII**

**OFFICERS**

A. The affair of the Association shall be managed by a President, one (1) or several Vice Presidents, a Secretary and a Treasurer, which officers shall be subject to the directions of the Board.

B. The Board shall elect the President, the Vice President, the Secretary, and the Treasurer, and as many other Vice Presidents, Assistant Secretaries and Assistant Treasurers as the Board shall from time to time determine appropriate. Such officers shall be elected annually by the Board at the first meeting of the Board; provided, however, such officers may be removed by such Board and other persons may be elected by the Board as such officers in the manner provided in the By-Laws. The officers must be Directors of the Association. The President shall be a Director of the Association but no other officer need be a Director. The same person may hold two (2) offices, the duties of which are not incompatible; provided, however, the offices of President and Vice President shall not be held by the same person, nor shall the same person hold the office of President who holds the office of Secretary or Assistant Secretary.

**4. Amendment to Article X, Section A of the Articles:**

**ARTICLE X**

**BOARD OF DIRECTORS**

~~A. The number of Directors of on the first Board (the "First Board") and the "Initial Elected Board", as hereinafter defined, shall be three (3). The number of Directors elected by the "Purchaser Members" (as that term is hereinafter defined) subsequent to the Initial Elected Board, shall be as provided in Paragraph F of this Article X. Notwithstanding any provision contained in the Condominium Documents, Directors need not be Members nor Unit Owners. The number of Directors on the Board shall be not less than three (3) directors. The number of Directors currently on the Board is seven (7). The number of Directors (which must be an odd number) to be elected at the next Members' Meeting and to serve for the ensuing year, may be changed by a majority vote of the Board. Directors and Officers must be Members and Unit Owners of the Association.~~

**5. Amendment to Article X, Section B, and deletion of Sections C, D, E, F, G, H, I, J and K of the Articles:**

***SUBSTANTIAL REWORDING OF ARTICLES. SEE PROVISION OF ARTICLE X,  
SECTION B, AND DELETION OF SECTIONS C, D, E, F, G, H, I, J AND K FOR  
PRESENT TEXT***

B. ELECTION OF BOARD MEMBERS. The members of the Board of Directors shall be elected as set forth in Fla. Stat. §718.112, as the same may be amended from time to time. The members of the Board shall be elected by written ballot, electronic voting or voting machine. Proxies may not be used in electing the Board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise.

At least 60 days before a scheduled election, the Association shall mail, deliver, or electronically transmit, by separate Association mailing or included in another Association mailing, delivery, or transmission, including regularly published newsletters, to each Unit Owner entitled to a vote, a first notice of the date of the election. A Unit Owner or other eligible person desiring to be a candidate for the Board must give written notice of his or her intent to be a candidate to the Association at least 40 days before a scheduled election. Together with the written notice and agenda, the Association shall mail, deliver, or electronically transmit a second notice of the election to all Unit Owners entitled to vote, together with a ballot that lists all candidates. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the Association. The Association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the Association may print or duplicate the information sheets on both sides of the paper. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A Unit Owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. The regular election must occur on the date of the annual meeting. Notwithstanding the foregoing, an election is not required unless more candidates file notices of intent to run or are nominated than Board vacancies exist. Any challenge to the election process must be commenced within 60 days after the election results are announced.

Any vacancy occurring on the Board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining Directors, even if the remaining Directors constitute less than a quorum, or by the sole remaining Director. In the alternative, a Board may hold an election to fill the vacancy. A Board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled.

The recall and removal of any member of the Board shall be governed by the provisions of Fla. Stat. §718.112(j), as the same may be amended from time to time. Any member of the Board of may be recalled and removed from office with or without cause by the vote or agreement in writing by a majority of all the voting interests. If a vacancy occurs on the Board as a result of a recall or removal and less than a majority of the Board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining Directors, notwithstanding any provision to the contrary contained herein. If vacancies occur on the Board as a result of a recall and a majority or more of the Board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the Division of Florida Condominium, Timeshares and Mobile Homes (the "Division"), as the same may be amended form time to time.

**EXCEPT AS PROPOSED ABOVE, ALL OTHER TERMS AND CONDITIONS OF THIS  
OF THE DECLARATION, ARTICLES AND BY-LAWS, AND REMAINING TERMS OF  
THEREOF SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT  
ACCORDING TO THEIR TERMS.**