

COVER LETTER

TO: Amendment Section
Division of Corporations

NAME OF CORPORATION: PORT ORANGE PLANTATION HOMEOWNERS ASSOCIATION, INC.

DOCUMENT NUMBER: N04000004826

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

Please return all correspondence concerning this matter to the following:

Linda K. Davis, Esquire

(Name of Contact Person)

Law Office of Linda K. Davis, P.A.

(Firm/ Company)

Post Office Box 100

(Address)

Fort Lauderdale, FL 33302

(City/ State and Zip Code)

LKDavis@LindaKDavisLaw.com

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

For further information concerning this matter, please call:

Linda K. Davis, Esquire

954

524-2280

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
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

This instrument prepared by and after recording return to:
(stamped self-addressed envelope enclosed):

Linda K. Davis, Esquire
Law Office of Linda K. Davis, P.A.
Post Office Box 100
Fort Lauderdale, Florida 33302

FILED
2017 DEC 12 AM 11:03

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**FIRST AMENDMENT TO AMENDED AND RESTATED
ARTICLES OF INCORPORATION OF
PORT ORANGE PLANTATION HOMEOWNERS ASSOCIATION, INC.**

This First Amendment to Amended and Restated Articles of Incorporation of Port Orange Plantation Homeowners Association, Inc. ("First Amendment") is made as of the 27 day of November, 2017 by PORT ORANGE PLANTATION HOMEOWNERS ASSOCIATION, INC., a Florida corporation not for profit ("Association").

WHEREAS, the Association has executed and recorded its duly adopted Amended and Restated Articles of Incorporation of Port Orange Plantation Homeowners Association, Inc. ("Articles of Incorporation") in Official Records Book 5855, Page 3833 of the Official Records of Volusia County, Florida; and

WHEREAS, the Articles of Incorporation provide in Article XIII(B) that, after the "First Conveyance" (as defined in Article V(A) of the Articles of Incorporation) and prior to the "Turnover Date" (as defined in Article V(D)(2) of the Articles of Incorporation), the Articles of Incorporation may be amended by written consent of the majority of the members of the Board of Directors of the Association at a duly called meeting of the Board of Directors; and

WHEREAS, the Articles of Incorporation, in Article XIII(D), prohibit any amendment that would prejudice the rights of any "Institutional Mortgagee" (as defined in the Amended and Restated Declaration and General Protective Covenants for Port Orange Plantation ("Declaration")); and

WHEREAS, the Articles of Incorporation, in Article XIII(F), prohibit any amendment that would abridge, prejudice, amend or alter the rights of D.R. Horton, Inc.-Jacksonville ("Declarant") without the prior written consent of Declarant; and

WHEREAS, the Articles of Incorporation, in Article XIII(F), prohibit any amendment without the prior written consent of Declarant, so long as Declarant holds either a leasehold interest in or title to at least one (1) "Lot" (as defined in the Articles of Incorporation); and

WHEREAS, as of the date of this First Amendment, First Conveyance has occurred; and

WHEREAS, as of the date of this First Amendment, the Turnover Date has not occurred;
and

WHEREAS, the rights of any Institutional Mortgagee shall not be affected by this First Amendment; and

WHEREAS, Declarant has provided its prior written consent to this First Amendment;
and

NOW, THEREFORE, the Association hereby declares that the Articles of Incorporation
are hereby amended as follows:

1. **ARTICLE V – MEMBERS AND VOTING, PARAGRAPH I** is repealed in its
entirety and replaced with the following:

1. A quorum for the purpose of election of not less than the majority of the Board on
the Turnover Date (as specified in Article V(D)), shall consist of persons entitled to cast at least
ten percent (10%) of the total number of votes of the Members. For all other purposes, unless
some greater number is provided for in the Port Orange Plantation Documents, a quorum shall
consist of persons entitled to cast at least twenty percent (20%) of the total number of votes of
the Members.

2. This First Amendment shall become effective upon recording amongst the Public
Records of Volusia County, Florida.

3. Except as modified by this First Amendment, the Articles of Incorporation shall
remain in full force and effect in accordance with the terms thereof.

[Remainder of Page Intentionally Left Blank]
Signatures appear on following page

IN WITNESS WHEREOF, this First Amendment has been approved by the Association on the date set forth above:

PORT ORANGE PLANTATION HOMEOWNERS
ASSOCIATION, INC.

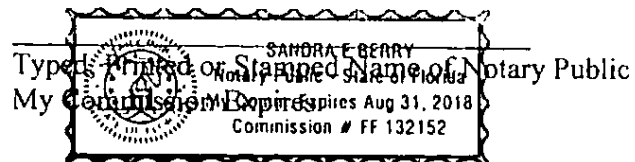
By: [Signature]
President Signature

Printed Name: Nick C. Christakos

STATE OF FLORIDA)
) SS:
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 27th day of November, 2017 by Nick C. Christakos, the President of Port Orange Plantation Homeowners Association, Inc., a corporation, on behalf of the corporation. He is personally known to me or has produced [Signature] as identification.

[Signature]
Notary Public, State of Florida



Attest: [Signature]
Secretary Signature

Printed Name: John Auld

[CORPORATE SEAL]

STATE OF FLORIDA)
) SS:
COUNTY OF Orange)

The foregoing instrument was acknowledged before me this 27th day of November, 2017 by John Auld, the Secretary of Port Orange Plantation Homeowners Association, Inc., a corporation, on behalf of the corporation. S/he is personally known to me or has produced [Signature] as identification.

[Signature]
Notary Public, State of Florida
Notary Public - State of Florida
My Comm. Expires Aug 31, 2018
Commission # FF 132152

Typed, Printed or Stamped Name of Notary Public
My Commission Expires:

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

Effective date if applicable: upon recording in the public records of Volusia County, Florida

(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.

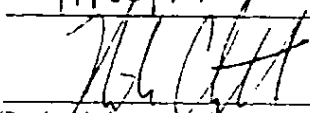
Adoption of Amendment(s) (CHECK ONE)

- ☐ 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

11/29/17

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)

Nick Christakos

(Typed or printed name of person signing)

President

(Title of person signing)