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**COR AMND/RESTATE/CORRECT OR O/D RESIGN
MCKINLEY OAKS HOMEOWNERS' ASSOCIATION, INC.**

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Instrument prepared by:
Stephen W. Thompson
Najmy Thompson, P.L.
1401 8th Avenue West
Bradenton, FL 34205

**CERTIFICATE OF AMENDMENT
ARTICLES OF AMENDMENT TO THE ARTICLES OF INCORPORATION
OF MCKINLEY OAKS HOMEOWNER'S ASSOCIATION, INC.
DOCUMENT NUMBER: N06000012913**

Pursuant to provisions of Section 617.1006, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following Articles of Amendment to its Articles of Incorporation.

1. The Articles of Incorporation have been amended as follows:

(Words in ~~strike-through~~ type are deletions from existing text; underlined words are additions.)

ARTICLE II – DEFINITIONS

Each term used herein, except as otherwise defined herein, is defined in the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for McKinley Oaks, a Subdivision (the "Declaration") recorded, or to be recorded, among the Public Records of Manatee County, Florida by the Association and joined in by DR Horton, Inc, a Delaware corporation (the "Declarant") and shall have the same meaning or definition used herein as the meaning or definition ascribed thereto in the Declaration.

ARTICLE III – PRINCIPAL PLACE OF BUSINESS AND MAILING ADDRESS

The principal place of business and mailing address of the corporation shall be 14066 Riveredge Drive, Suite 150, Tampa, FL 33637 will be Argus Property Management, 2477 Stickney Point Road, Suite 118A, Sarasota FL 34231. This address is subject to change with turnover of property management companies.

ARTICLE IV - PURPOSE(S)

The corporation is organized as a corporation not-for-profit under Chapter 617 of the laws of the State of Florida, subject to the extent applicable, to Chapter 720 of the laws of the State of Florida. The specific purposes for which the corporation is organized are:

Section 1. To promote the health, safety, and social welfare of the Owners of Property within the ~~town-house~~ residential area of the community of McKinley Oaks as described in the Declaration.

(The remainder of Article IV stays the same.)

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ARTICLE V - GENERAL POWERS

The Association shall have all of the powers necessary or desirable to perform the obligations and duties and to exercise the rights and powers set out in these Articles, the Bylaws or the Declaration including, without limitation, the following:

Section 4. To affix assessments to be levied against Lots within the Property and the costs of effectuating the objects and purposes of the Association and to create reasonable reserves for such expenditures, ~~and to authorize its Board of Directors, in its discretion, to enter into agreements with mortgage companies and other organizations for the collection of such assessments.~~

Section 8. To buy or otherwise acquire, sell or otherwise dispose of, mortgage otherwise encumber, exchange, lease, hold, use, operate and otherwise deal in and with real, personal and mixed property of all kinds and any right or interest therein of the Association for purposes of advancing the common interests of all Owners of any portion of the Property. Loans exceeding \$14,000.00 are subject to Member homeowner vote of 51%.

Section 9. To borrow money for any purpose is subject to all limitations in the Declaration or Bylaws. Loans exceeding \$14,000.00 are subject to Member homeowner vote of 51%.

Section 14. To have all powers conferred upon a corporation by the laws of the State of Florida, including Chapter 617 of the Florida Statutes, except as prohibited herein. ~~The Common Area cannot be mortgaged or conveyed without the affirmative vote of at least two-thirds of the Membership.~~

Directors will serve without compensation but may be reimbursed for out-of-pocket expenses approved by the President.

(The remainder of Article V stays the same.)

ARTICLE VII - MEMBERS

Section 2. ~~The Association shall have two classes of voting membership:~~

Class A. ~~Class A members shall be all Owners, with the exception of the Declarant and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.~~

Class B. ~~The Class B Member shall be the Declarant. The Class B Member shall be entitled to three (3) votes for each Class A Member vote; provided however that notwithstanding any provision to the contrary, the Declarant shall have the right to appoint the entire Board of Directors of the Association until three months after 90% of the Lots have been conveyed to Owners other than the Declarant or Builders or their designated successor or assigns, or at an earlier date at the sole discretion of the Declarant ("Turnover"). At such time, the Declarant shall call a meeting in accordance with the provisions herein, for special Meetings, to provide for the turnover of control of the Board of Directors to the Owners. The Declarant shall have the right, in its sole~~

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discretion, to appoint one member of the Board of Directors for so long as the Declarant owns at least five percent (5%) of the Lots within the property.

Voting Membership. The Homeowners(s) of the lot within the community is/are the voting membership. Only one vote by the Owner(s) is/are allowed per household for voting issues.

(The remainder of Article VII stays the same.)

ARTICLE VIII - DIRECTORS

~~The Board of Directors of the corporation shall be comprised of at least three directors.~~
~~The members of the Board of directors and their street addresses are:~~

Nicolas R. Aparicio, 14055 Riveredge Drive, Suite 150, Tampa FL 33637

Rebecca L. Sarver, 13880 Treeline Avenue South, Suite 3, Fort Myers FL 33913

Hal Lutz, 14055 Riveredge Drive, Suite 150, Tampa FL 33637

~~As long as Declarant or its designated successor or assigns shall have the right to appoint the entire Board of Directors, Directors need not be Members of the Association and need not be residents of the State of Florida. All Directors appointed by the Declarant shall serve at the pleasure of the Declarant, and may be removed from office, and a successor Director may be appointed at any time by the Declarant.~~

~~At the first annual election to the Board of Directors where directors are elected by the Members, the term of office of the elected Director receiving the highest plurality of votes shall be established at two (2) years, with the other elected Directors to serve for a term of one (1) year. Elections shall be by plurality votes. All Directors shall hold office until the election of new directors at the next annual meeting or resignation of said Director. Each year thereafter, as many Directors shall be elected and appointed, as the case may be, as there are regular terms of office of Directors expiring at such time, and the term of the Director so elected or appointed at each annual election shall be for two (2) years expiring at the second annual election following their election, and thereafter until their successors are duly elected and qualified, or until removed from office with or without cause by the affirmative vote of a majority of the Members which elected or appointed them.~~

The affairs of the Association will be managed and governed by a Board of Directors (the "Board") of at least three (3) Members, and no more than five (5) Members on the Board of Directors. The decision regarding the number of Directors will be determined by the Board of Directors at least sixty (60) days prior to an election.

At annual elections to the Board of Directors where Directors are elected by the Members, the term(s) of office of the elected Director(s) receiving the highest plurality of votes shall be established at three (3) years. Elections shall be by plurality votes. All Directors shall hold office until the election of new directors at the next annual meeting or resignation of said Director. Each year thereafter, as many Directors shall be elected and appointed, as the case may be, as there are regular terms of Office of Directors expiring at such time, and the term of the Director so elected or appointed at each annual election shall be for three (3) years expiring at the annual election, and thereafter until their successors are duly elected and qualified, or

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until removed from office with or without cause by the affirmative vote of a majority of the Members which elected or appointed them.

ARTICLE IX - OFFICERS

~~The Officers of the Association shall be a President, a Vice President, a Secretary, and a Treasurer, and such other officers as the Board of Directors may from time to time, by resolution, create. Any two or more offices may be held by the same person except the offices of President and Secretary. Officers shall be elected for one (1) year terms in accordance with the procedures set forth in the Bylaws. The names of the Officers who are to manage the affairs of the Association until the next annual meeting of the Board of Directors and until their successors are duly elected and qualified are:~~

~~President: Nicholas R. Aparicio, 14055 Riveredge Drive, Suite 150, Tampa, FL 33637
Vice President: Hal Lutz, 14055 Riveredge Drive, Suite 150, Tampa, FL 33637
Secretary/Treasurer: Rebecca L. Sarver, 13880 Treeline Avenue South, Suite 3 Fort Myers, FL 33913~~

The affairs of the Association will be managed and governed by a Board of Directors (the "Board") of at least three (3) Members, and no more than five (5) Members on the Board of Directors. The decision regarding the number of Directors will be determined by the Board of Directors at least sixty (60) days prior to an election.

ARTICLE X - Registered Agent Mailing Address and Street Address:

~~The street and mailing address of the Corporation's registered office is 14055 Riveredge Drive, Suite 150, Tampa, FL 33637 and the name of the registered Agent at such address is D.R. Horton, Inc.~~

The principal office of the Association will be at 2477 Stickney Point Road, Suite 118A, Sarasota, FL 34231, or at such other place as may be subsequently designated by the Board of Directors.

ARTICLE XIII - AMENDMENTS TO ARTICLES OF INCORPORATION AND BYLAWS

~~Amendment of these Articles requires the approval of at least two-thirds of the membership votes. Notwithstanding the foregoing, (a) for so long as the Declarant has the right to appoint the entire Board of Directors of the Association, the Declarant or its successor or assign shall be permitted to unilaterally amend these Articles; and (b) for so long as Declarant owns any portion of the Property, no amendment of these Articles shall make any changes which would in any way affect any of the rights, privileges, powers or options herein provided in favor of, or reserved to, the Declarant, unless the Declarant joins in the execution of the amendment.~~

(The remainder of Article XIII stays the same.)

ARTICLE XV - TRANSACTIONS IN WHICH DIRECTORS OR OFFICERS ARE INTERESTED

Section 1. ~~With the exception of Directors and Officers appointed by the Class B Members, Any financial or familial interest of an Officer or Director in any contract or transaction between the Association and one (1) or more of its Directors or Officers, or between the~~

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Association and any other corporation, partnership, association or other organization in which one (1) or more of its Directors or Officers are directors or officers, or have a financial interest, shall be disclosed, and further shall not be voidable solely for this reason, or solely because the Director or Officer is present at or participates in the meeting of the Board or committee thereof which authorized the contract or transaction or solely because his or their votes are counted for such purpose. No Director or Officer of the Association shall incur liability by reason of the fact that he is or may be interested in any such contract or transaction.

(The remainder of Article XV stays the same.)

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 21st day of September, 2023.

WITNESSES:

Hannah Bernhardt
Print Name: Hannah Bernhardt
Address: 1401 8th Ave W, Bradenton FL 34205

MCKINLEY OAKS HOMEOWNER'S
ASSOCIATION, INC.
A Florida not-for-profit corporation
By: Connie J. Riggs President
Printed Name

Tina M. Stettin
Print Name: Tina M. Stettin
Address: 1401 8th Ave W, Bradenton FL 34205

STATE OF Florida
COUNTY OF Manatee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 21st day of September, 2023, by Connie Riggs as President of the McKinley Oaks Homeowners' Association, Inc. on behalf of the corporation who is personally known to me or has produced _____ as proof of identification.

Melanie G. Moran
Signature of Notary Public

