

NO8816

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

☐ PICK-UP

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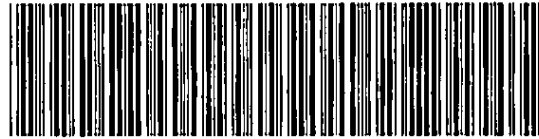
(Business Entity Name)

(Document Number)

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SECRETARY OF STATE
TALLAHASSEE, FL

Amended + Restated

APR 12 2021

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HILL LAW FIRM, P.A.

CONDOMINIUM AND HOMEOWNERS ASSOCIATION REPRESENTATION

Cindy A. Hill, Esq.
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614 S. TAMiami TRAIL
OSPREY, FL 34229

Jennifer L. Hicks, Esq.
jhicks@hill-lawpa.com

PHONE: 941-244-0098
FAX: 941-244-0548

February 12, 2021

Via: U.S. Mail

Department of State
Division of Corporations
Corporate Filings
P.O. Box 6327
Tallahassee, FL 32314

Re: Bern Creek Improvement Assoc., Inc./Amended Articles of Incorporation

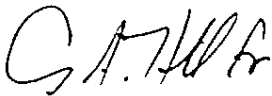
Dear Secretary of State:

Enclosed please find the First Amendment to the Articles of Incorporation of Bern Creek Improvement Association, Inc. The Association's Document Number is N08816. The amendments were adopted by the members and the number of votes cast for the amendments were sufficient for approval. Also, enclosed is a check in the amount of \$35.00 for the filing fee for the documents.

Please record the document in the Records of the State of Florida and return the original filed documents in the enclosed self-addressed stamped envelope.

If you have any questions regarding this matter, please feel free to contact me at your earliest convenience.

Sincerely,



Jennifer L. Hicks, Esq.
For the Firm

Enclosures

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SECRETARY OF STATE
TALLAHASSEE, FL

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Prepared By and Return To:
Hill Law Firm, P.A.
614 S. Tamiami Trail
Osprey, FL 34229

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SECRETARY OF STATE
TALLAHASSEE, FL

**FIRST AMENDMENT TO THE ARTICLES OF INCORPORATION OF
BERN CREEK IMPROVEMENT ASSOCIATION, INC.**

THIS CERTIFICATE OF AMENDMENT is executed this 29 day of January, 2021, by Bern Creek Improvement Association, Inc., a Florida not-for-profit corporation (hereinafter "Association").

RECITALS

WHEREAS, the Association has been established for the operation of Bern Creek Improvement Association, Inc., in accordance with The Declaration of Restrictions of The Ranches at Bern Creek ("Declaration") recorded in Book 1790, Pages 2736, et seq., as amended, of the Public Records of Sarasota County, Florida; and,

WHEREAS, in order to ensure consistency with the Amended and Restated Bylaws of Bern Creek Improvement Association, Inc., an amendment to the Articles of Incorporation of Bern Creek Improvement Association, Inc. was submitted to the Members of the Association at the Annual Meeting of the Members held on December 3, 2019, which Meeting was duly noticed in accordance with the Florida Statutes; and,

WHEREAS, not less than a majority of the lots voted to approve the proposed amendment;

NOW THEREFORE, the Association does hereby state as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. All present and future Members of the Association shall be bound by this amendment to the Articles of Incorporation.

New language is indicated by underlined type. Deleted language is indicated by ~~strike-through~~ type.

The current Article VIII of the Articles of Incorporation of Bern Creek Improvement Association, Inc. is amended in the following manner:

ARTICLE VIII. BOARD OF DIRECTORS

The Board of Directors shall consist initially of three persons. ~~The number of directors may be increased or decreased from time to time by provision made in the Bylaws, but shall never be less than three.~~ The names and addresses of the initial Board of Directors who shall serve until the first election of directors shall be as follows:

Robert S. McDaniel, Jr.

1444 First Street
Sarasota, Florida 33577

Charles H. Ball

1444 First Street
Sarasota, Florida 33577

Sandie L. Ross

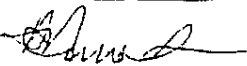
1444 First Street
Sarasota, Florida 33577

The President and Secretary-Treasurer shall, upon their election, automatically become members of the Board of Directors. The ~~remaining~~ members of the Board of Directors shall be elected annually by the membership at the annual meeting ~~after the election of officers. The initial Board of Directors shall meet within 60 days after the incorporation of this corporation and shall take such steps as may be necessary to call an initial meeting of the membership of the corporation, and take such other steps as may be necessary to initiate the activities of the corporation.~~

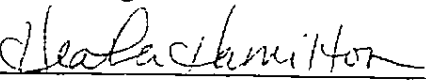
The business and affairs of the corporation shall be managed by a board of seven (7) directors. Directors elected at the annual meeting shall take office effective on the first day of the fiscal year (January 1) following the annual meeting. Each director, except one appointed to fill a vacancy, shall be elected to serve for a term of two (2) years. The Board of Directors shall serve staggered terms to provide continuity from year to year. Four (4) directors will be elected one year and three (3) directors the next year.

All other sections remain unchanged.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 25 day of November, 2020.

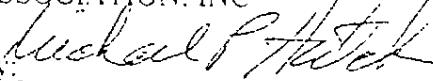


Witness Signature

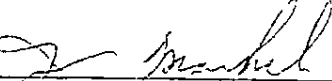


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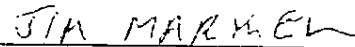
BERN CREEK IMPROVEMENT
ASSOCIATION, INC

By: 


Michael Hutchinson, President




Witness Signature




Printed Name



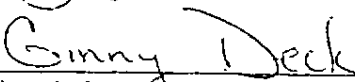
Witness Signature



Printed Name



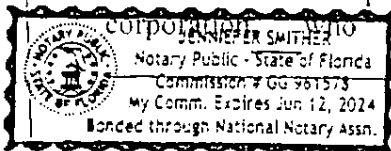
Witness Signature



Printed Name

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 25 day of November 2020, by Michael Hutchinson, as President of Bern Creek Improvement Association, Inc., a Florida corporation, on behalf of the corporation, who ☒ is personally known to me or ☐ has produced _____ as identification.



Jennifer Smither
Notary Public, State of Florida

[Signature]
Witness Signature

Ginny Deck
Printed Name

Susan E Nixon
Witness Signature

Susan E. Nixon
Printed Name

[Signature]
Witness Signature

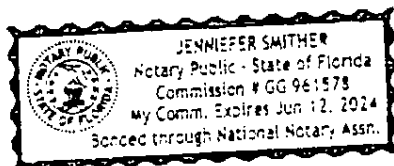
Heather Hamitto
Printed Name

Robin M Estep
Witness Signature

Robin M Estep
Printed Name

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 29 day of January 2021, by Frank Rich as Secretary of Bern Creek Improvement Association, Inc., a Florida corporation, on behalf of the corporation, who ☒ is personally known to me or ☐ has produced _____ as identification.



Jennifer Smither
Notary Public, State of Florida