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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

2500 NORTH MILITARY TRAIL SUITE 490
BOCA RATON FLORIDA 33431
TEL: 561-999-9925
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EMAIL: JAYSLEVINEPA@AOL.COM

JAY STEVEN LEVINE

ATTORNEYS P.A.



3300 PGA BOULEVARD SUITE 530
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PLEASE REPLY TO: BOCA RATON

JAY STEVEN LEVINE, ESQUIRE
DEBBIE ALSPACH, CLA

TREASURE COAST
BY APPOINTMENT

MICHAEL S. FELDMAN, ESQUIRE
CHRISTOPHER A. SAJDERA, ESQUIRE

February 26, 2007

Department of State
Division of Corporations
409 E. Gaines Street
Tallahassee, Florida 32399

RE: AMENDMENT TO ARTICLES OF INCORPORATION - INDIAN WELLS HOMEOWNERS
ASSOCIATION, INC.

Dear Sir or Madam:

Enclosed for filing is original and one copy of Certificate of Amendment to the Articles of Incorporation of Indian Wells Homeowners Association, Inc., along with exhibit. Also enclosed is a check in the amount of \$35.00 for filing fee. Once filed, please return a copy to us in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,



Jay Steven Levine

JSL:sh

Enclosures - As Stated

PREPARED BY AND RETURN TO:
JAY STEVEN LEVINE, P.A.
2500 North Military Trail, Suite 283
Boca Raton, Florida 33431
(561) 999-9925

FILED
07 MAR -6 AM 10:55
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

**CERTIFICATE OF AMENDMENT TO THE ARTICLES OF INCORPORATION
OF INDIAN WELLS HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, the Declaration of Protective Covenants, Restrictions and Reservations of Indian Wells was recorded in Official Record Book 4832, at Page 0862, Public Records of Palm Beach County, Florida;

WHEREAS, the Articles of Incorporation were recorded in Official Record Book 6490, at Page 38, Public Records of Palm Beach County, Florida;

WHEREAS, pursuant to a combination of F.S. 617.1002 and Articles of Incorporation, the Articles of Incorporation may be amended by the approval of a majority of the entire membership of the Board of Directors and not less than 75% of the voting interests of the votes of the members of the Association cast a members meeting;

WHEREAS, on January 24, 2007, a majority of the entire membership of the Board of Directors did approve of the amendments to the Articles in the particulars as set forth in Exhibit "1" to this Certificate;

WHEREAS, on January 24, 2007, not less than 75% of the votes of the members of the Association cast at the meeting approved of the amendments to the Articles of Incorporation in the particulars as set forth in Exhibit "1" to these Articles; and

WHEREAS, this certificate with Exhibit "1" shall be filed with the Secretary of State and then recorded in the Public Records of Palm Beach County, Florida.

NOW, THEREFORE, the Articles of Incorporation shall be amended in the particulars as stated in Exhibit "1" attached hereto; these amendments shall run with the real property known as Indian Wells, and shall be binding on all parties having any right, title, or interest in the said real property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof; and except as otherwise amended hereby, the Articles shall remain unchanged and in full force and effect.

CERTIFICATE OF ADOPTION OF AMENDMENTS

I HEREBY CERTIFY that the attached amendments were duly adopted as amendments to the Articles of Incorporation and the required percentage of approval of the

Board of Directors and membership was obtained. **The number of votes was sufficient for approval.**

DATED this 16 day of Feb, 2007.

WITNESSES:

Megan Lade
Print: Megan Lade
Evelin Santiago
Print: Evelin Santiago

INDIAN WELLS HOMEOWNERS
ASSOCIATION, INC.

By: Danielle Yvonne Ganci President
Print Name: Danielle Yvonne Ganci

STATE OF FLORIDA)
COUNTY OF PALM BEACH) SS:

I HEREBY CERTIFY that on the 16 day of FEBRUARY, 2007 before me personally appeared DANIELLE YVONNE GANCI as President of **INDIAN WELLS HOMEOWNERS ASSOCIATION, INC.** who is personally known to me and who did not take an oath and who executed the aforesaid Certification as his/her free act and deed as such duly authorized officer; and that the official seal of the Corporation is duly affixed and the instrument is the act and deed of the Corporation.

WITNESS my signature and official seal, in the County of Palm Beach, State of Florida, the day and year last aforesaid.

NOTARY PUBLIC:



DORIS KERSKEY
MY COMMISSION # DD 575658
EXPIRES: July 18, 2010
Bonded Thru Budget Notary Services

Sign: Doris Kerskey
My commission expires: 7-18-10

Exhibit "1"

**AMENDMENTS TO THE ARTICLES OF INCORPORATION
OF INDIAN WELLS HOMEOWNERS ASSOCIATION, INC.**

As used herein the following shall apply:

- A. Words in the text which are lined through with hyphens (---) indicate deletions from the present text.
- B. Words in the text which are underlined indicate additions to the present text.
-

1. Article III(h) of the Articles of Incorporation shall be amended to read as follows:

"(h) To approve or disapprove the leasing, ~~transfer, mortgage,~~ and right to notice of any transfer of ownership of any of the lots within the development ~~as may be provided for in the Declaration of Covenants and Restrictions or in the By-laws,~~ as follows:

- (1) An owner shall give the Board of Directors or its designee written notice of an intended lease at least fifteen (15) days prior to the proposed lease and occupancy under the lease, together with the name and address of the proposed lessee(s), an executed copy of the proposed lease, and such other information as the Board may reasonably require. The Board shall be entitled to adopt an application form for this purpose. The Board shall also be empowered to charge a transfer fee in connection with approval in the amount of not to exceed \$100.00 per applicant, with husband and wife considered as one applicant. The Board may require the personal appearance of any lessee(s) and his/her spouse and any other intended occupants, as a condition of approval. After the Association receives all information and transfer fee, the Board shall have a period of fifteen (15) days to either approve or disapprove of the proposed lease. If the Board neither approves nor disapproves within this time period, such failure to act shall be deemed the equivalent of approval. If the Board does disapprove of the proposed lease, the lease shall not be made and the owner shall be so notified as soon as possible thereafter. Any lease which is not approved, or which is disapproved pursuant to the foregoing shall be void unless

subsequently approved in writing by the Board of Directors.

- (2) Owners may transfer title to lots without the need for Association approval. However, each owner shall be required to advise the Association of any transfer of ownership, and the Association shall be permitted to adopt a form for the owner and/or purchaser/new owner to execute providing reasonable information relating to the transfer of ownership. The Board of Directors or its designee shall be permitted to require an orientation session with the purchaser/new owner, but the orientation session is not to be construed as any ability of the Association to disapprove of the transfer of ownership."

2. **A new Article XIII shall be added to the Articles of Incorporation and shall read as follows:**

"Article XIII

Lease waiting period. Beginning with transfer of title to any lot on or after the date on which the amendment is recorded, no owner may lease his or her lot during the first thirty-six (36) months of ownership, with no exceptions permitted. This amendment is binding on all current and future owners."